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August 4, 2006

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HAZARDOUS WASTE ENF BR
TEXAS SECTION

Ms. Agatha Benjamin, P.E.
U.S. Environmental Protection Agency - Region 6
Compliance Assurance and Enforcement Division
Hazardous Waste Enforcement Branch
1445 Ross Avenue
Dallas, TX 75202-2733

Via Facsimile (214) 665-7446 – Hard Copy to Follow by Certified Mail

Re: Supplemental Environmental Project (SEP) - Status Report and Extension Request
EPA Docket No. RCRA-6-2005-0908

Dear Ms. Benjamin:

Cook Composites and Polymers Co. (CCP) provides the following status information regarding our Supplemental Environmental Project (SEP) involving "Management of Hazardous Chemicals in Schools Using Small Scale Chemistry".

The following activities have been completed according to the SEP:

- 1) On April 10, 2006, CCP and US EPA jointly met with Chemistry faculty representatives of J. Frank Dobie High School in the Houston area to solicit participation as a host site to a Small Scale Chemistry Workshop for Texas Region educators.
- 2) In June 2006, CCP agreed to the recommendation of the US EPA SEP coordinator to modify Phase III to encompass the video recording of a Small Scale Chemistry Workshop. This video recording will be available for distribution by US EPA, CCP and Texas Education Agency (TEA) educators to help workshop trainees share the experience with their colleagues.

CCP agrees that Phase III of the SEP should be modified to read:

"Phase III shall include production of videos documenting the 30 Small Scale Chemistry (SSC) exercises developed by chemistry contract presenters (June 2006 Completed Exercises). Respondent is required to complete the following tasks: 1) Facilitate SSC Workshops to be video recorded, 2) Provide needed video supplies, 3) Assist in funding video editing, and 4) Distribute the DVDs entitled "Chemical Management in Schools Using Small Scale Chemistry" to South Houston and nearby school systems. Phase III shall be completed in six months."

- 3) CCP also agreed to sponsor the travel and lodging expenses of interested Houston area or other Texas Region 4 educators in Workshops scheduled for Wichita Falls or Laredo, Texas.

SEP Status Report
Ms. Agatha Benjamin, P.E.
August 4, 2006
Page 2 of 2

SEP Extension Request

Due to the initial difficulties of securing participation of a host school and educator participants for the SSC Workshops, CCP respectfully requests an extension of the SEP Completion Date. CCP requests that the SEP Completion Date be extended from December 28, 2006 to June 28, 2007. CCP has discussed this extension with Dr. Gerald Carney, Ph.D of US EPA Region 6, and Dr. Carney recommends and supports this extension.

If you have any questions regarding the SEP Status Report or the SEP extension request, please contact me at (816) 391-6011.

Sincerely,
COOK COMPOSITES AND POLYMERS CO.

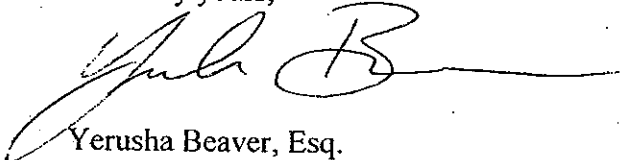


Michael Gromacki
Manufacturing Director

CC: Dr. Gerald Carney, Ph.D - US EPA Region 6
Mr. Scott Crump - CCP
Mr. Jon Schuckman - CCP

Such change as described herein is covered under paragraph 53(b) of the Consent Agreement/Final Order and does not require formal modification of the SEPSOW under these circumstances. Please note that all provisions of the Consent Agreement/Final Order, including SEP cost, remain unmodified. You may contact Ms. Agatha Benjamin at (214) 665-7292, or Mr. Gerald Carney at (214) 665-6523, with any questions regarding the SEP. You may also contact me at (214) 665-6797. Thank you for your efforts in this matter.

Sincerely yours,



Yerusha Beaver, Esq.

Enforcement Counsel (6RC-EW)

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Michael Gromacki	
Quality, Safety, Environment Director	
Cook Composites and Polymers	
P.O. Box 419389	
Kansas City, Missouri 64141-6389	
PS Form 3800, June 2002	
See Reverse for Instructions	

Cook Composites

Peer Review - October 19, 2005

Jeffery McLoz - GEN-HS

M/B... - GEN-HT

Lee McMillan - GEN-HS

Adolphus Talton - GEN-HS

Agatha Benjamin - GEN-HT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

JUL 01 2005

CERTIFIED MAIL: RETURN RECEIPT REQUESTED 7003 0500 0003 0874 3099

Mr. Glenn Cruze
Plant Manager
Cook Composites and Polymers
2434 Holmes Road
Houston, TX 77051

Re: Complaint, Compliance Order, and Notice of Opportunity for a Hearing: *In the Matter of Cook Composites and Polymers, Houston, Texas*; Docket No. RCRA-6-2005-0908

Dear Mr. Cruze:

Enclosed is a Complaint, Compliance Order, and Notice of Opportunity for Hearing (Complaint) issued by the U.S. Environmental Protection Agency (EPA) to Cook Composites and Polymers, Houston, Texas (Cook). This Complaint is issued based on the following violations of Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. § 6901, et seq., as amended:

- Failure to close containers
- Failure to mark and label container & tanks
- Failure to perform tanks integrity assessment
- Failure to inspect and maintain records

Please notice you can submit a written request for a hearing to the Regional Hearing Clerk within thirty (30) days of service of this Complaint. If a hearing is not requested, a default judgement may be entered and a civil penalty may be assessed without further proceedings.

Any questions regarding this matter may be addressed to the Compliance Officer for this case, Agatha Benjamin, P.E., who can be reached at (214) 665-7292 or in writing at the above address.

Sincerely yours,

John Blevins
Director
John Blevins, P.E.
Director
Compliance Assurance and
Enforcement Division

Enclosure
6EN-H
Benjamin

6EN-HT
Laws

6EN-H
Tates

6EN-H
Peters

6RC-EW
Puplampu

6RC-EW
Sykes

6RC-E
Murray

6RC-E
Benjamin

6/2/05

5/2/05

5/10/05

6/2/05

6/2/05

6/22/05



January 26, 2006

Regional Hearing Clerk
U.S. EPA, Region 6
P.O. Box 371099M
Pittsburgh, PA 15251

Via US Post Office Express Mail

Re: In the Matter of Cook Composites and Polymers
Docket #: RCRA 6-2005-0908

Enclosed please find Cashier's Check #0021718008 in the amount of \$8,800.00 according to provision 46) and 47) of the Consent Agreement and Final Order (CA/FO) of the above-referenced matter. In addition, this letter shall serve as payment notification under provision 48) of the CA/FO.

Sincerely,
COOK COMPOSITES AND POLYMERS CO.

Michael Gromacki
Director – Quality / Safety / Environment

CC:
Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
US EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Samuel.Tates, Section Chief
Texas Section (6EN-HT)
Hazardous Waste Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA – Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Attention: Agatha Benjamin

7003 0500 0003 0874 3099
 7004 1160 0003 0360 5875
 7004 1160 0003 0360 5844
 7004 1160 0003 0360 5844

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or PO Box No. **350 N St. Paul St.**

City, State, ZIP+4 **Dallas, Texas 75201**

PS Form 3800, June 2002

See Reverse for Instructions

JPMorgan Chase Bank
Buffalo, NY 14202



10-84
220

0021718008

Date JANUARY 24, 2006

REMITTER COOK COMPOSITES AND POLYMERS

Pay to the order of US ENVIRONMENTAL PROTECTION AGENCY

Amount EIGHT THOUSAND EIGHT HUNDRED DOLLARS AND 00 CENTS

\$ 8,800.00

U.S. Dollars

Non Negotiable

CASHIER'S CHECK

Authorized Signature

If not used as intended redeposit to your account. Do not destroy your check.

IN the matter of Cook Composites and Polymer,
Docket No. RCRA 6-2005-0908

⑈0021718008⑈ ⑆022000842⑆601600034⑈

THE FACE OF THIS CHECK HAS A SECURITY VOID BACKGROUND PATTERN - DO NOT CASH IF THE WORD VOID IS VISIBLE

JPMorgan Chase Bank
Buffalo, NY 14202



10-84
220

0021718008

Date JANUARY 24, 2006

REMITTER COOK COMPOSITES AND POLYMERS

Pay to the order of US ENVIRONMENTAL PROTECTION AGENCY

Amount EIGHT THOUSAND EIGHT HUNDRED DOLLARS AND 00 CENTS

\$ 8,800.00

U.S. Dollars

CASHIER'S CHECK

Authorized Signature

Stephen P. Hughes

IN the matter of Cook Composites and Polymer,
Docket No. RCRA 6-2005-0908

ORIGINAL CHECK HAS AN ARTIFICIAL WATERMARK ON REVERSE SIDE - HOLD AT AN ANGLE TO VIEW

⑈0021718008⑈ ⑆022000842⑆601600034⑈



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

JUL 01 2005

CERTIFIED MAIL- RETURN RECEIPT REQUESTED: 7003 0500 0003 0874 3099

Mr. Glenn Cruze
Plant Manager
Cook Composites and Polymers
2434 Holmes Road
Houston, TX 77051

Re: Complaint, Compliance Order, and Notice of Opportunity for a Hearing: *In the Matter of Cook Composites and Polymers, Houston, Texas*; Docket No. RCRA-6-2005-0908

Dear Mr. Cruze:

Enclosed is a Complaint, Compliance Order, and Notice of Opportunity for Hearing (Complaint) issued by the U.S. Environmental Protection Agency to Cook Composites and Polymers, Houston, Texas (Cook). This Complaint is issued based on the following violations of Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. § 6901, et seq., as amended:

- Failure to close containers
- Failure to mark and label container & tanks
- Failure to perform tanks integrity assessment
- Failure to inspect and maintain records

Please notice you can submit a written request for a hearing to the Regional Hearing Clerk within thirty (30) days of service of this Complaint. If a hearing is not requested, a default judgement may be entered and a civil penalty may be assessed without further proceedings.

Any questions regarding this matter may be addressed to the Compliance Officer for this case, Agatha Benjamin, P.E., who can be reached at (214) 665-7292 or in writing at the above address.

Sincerely yours,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

FILED
JUN 30 PM 3:08
REGIONAL HEARING CLERK
EPA REGION VI

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:

COOK COMPOSITES AND POLYMERS

HOUSTON, TEXAS 77051

EPA I.D.: TXD10899863

RESPONDENT.

§
§
§
§
§
§
§
§

DOCKET NUMBER
RCRA-6-2005-0908

**COMPLAINT, COMPLIANCE ORDER, AND NOTICE
OF OPPORTUNITY FOR HEARING**

The Complainant, the Director of the Compliance Assurance and Enforcement Division of the United States Environmental Protection Agency ("EPA") Region 6, issues this COMPLAINT, COMPLIANCE ORDER, AND NOTICE OF OPPORTUNITY FOR HEARING ("Complaint") to COOK COMPOSITES AND POLYMERS ("Respondent").

I. STATEMENT OF AUTHORITY

This Complaint is issued pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. § 6901 et seq., as amended by the Hazardous and Solid Waste Amendments of 1984 ("HSWA"). Section 3008(a) of RCRA authorizes the Administrator of the EPA to issue complaints whenever the Administrator has information that any person has violated or is violating any requirement of Subtitle C of RCRA, 42 U.S.C.

§§ 6921-6939e. The requirements of Subtitle C include the requirements of the authorized program in a State which has been authorized to carry out a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926. On December 26, 1984, the State of Texas received final authorization for its base RCRA program (49 Fed. Reg. 48300), and there have been subsequent authorized revisions to the base program. The Texas Commission on Environmental Quality ("TCEQ") is the State agency designated to carry out the authorized RCRA program. EPA is enforcing the Texas regulations in its oversight capacity.

The authority to issue this Complaint has been delegated by the Administrator of the EPA to the Regional Administrator, EPA Region 6, and has been further delegated to the Compliance Assurance and Enforcement Division Director, EPA Region 6 ("Complainant").

II. NOTICE TO THE STATE

Notice of this action has been given to the State of Texas prior to the issuance of this Complaint pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

III. PRELIMINARY STATEMENT

1. COOK COMPOSITES AND POLYMERS, INC. ("Respondent") was incorporated in and under the laws of the State of Delaware on February 14, 1990 and was certified to do business in the State of Texas on July 23, 1990.
2. Respondent is a "person" as defined in Texas Health and Safety Code §61.003(26) (Vernon 1993), 30 Texas Administrative Code (TAC) § 335.1,

Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 Code of Federal Regulations (C.F.R.) § 260.10.

3. Respondent's registered agent for service is Corporation Service Company, 2711 Centerville Road Suite 400, Wilmington, Delaware 19808.
4. Respondent owns and operates a plastics resin manufacturing facility, using glycol, ethylene and propylene as feedstock.
5. Respondent's facility is located at 2434 Holmes Road, Houston, Texas 77051 ("the Facility").
6. On or about September 14, 1995, Respondent submitted a Part A application for a hazardous waste container storage area, Respondent noted its intent to operate the container storage area in a manner that was exempt from the RCRA permitting program.
7. Pursuant to RCRA § 3010, 42 U.S.C. § 6930, on or about March 04, 1997, Respondent filed a Notification of Hazardous Waste Activity ("3010 Notification") with EPA.
8. In the 3010 Notification, Respondent identified itself as a large quantity generator of hazardous wastes, including generation of the following hazardous wastes:
 - a. D001, D002, D003, D009, D018, D035 and;
 - b. F003 and F005;
 - c. U190, U147, U096, and U223 hazardous wastes.
9. Respondent is a "generator" of hazardous waste, as that term is defined in 30 TAC § 335.1 [40 C.F.R. § 260.10].

10. The Respondent's plastics Resin Manufacturing business is a "Facility" as the term is defined at 30 TAC § 335.1 [40 C.F.R. § 260.10].
11. Pursuant to RCRA § 3007, 42 U. S. C. § 6927 on April 28-29, 2002, EPA representatives conducted a Compliance Evaluation Inspection (Inspection) at Respondent's Facility.
12. During the Inspection, EPA representatives were accompanied by Mr. Mark Auten, Facility PSM Coordinator, and Mr. Roy D. Williams, Facility Operations Manager.
13. During the Inspection, EPA representatives made the following observations:
 - a. A satellite accumulation drum located at the K58 drumming area was observed open because of a defective fill spout. The fill spout was inoperative and could not close because a thick coating of solidified waste had accumulated around the top of the spout.
 - b. A 55 gallon satellite accumulation container located near the laboratory containing acrylic acid was observed with the plug open.
 - c. A 55-gallon satellite accumulation container located at the K-52 area was observed with the plug open. A hose draining the vent line was observed in the container, but it was not being filled at the time of the observation.
 - d. Near Tank 6502, an unlabeled drum containing bag filters, classified as D001, hazardous waste, TCEQ Waste Identification No. 003402H was observed.
 - e. Near Tank 6502, a gallon bucket containing filter material (D001), hazardous waste was observed uncovered.
 - f. A leak was observed from the pump feeding Tank 6502. A rag was placed around the leak. Less than a gallon of material was observed to have leaked from the pump. There was no record in the tank inspection log documenting this leak.
 - g. Tank 6510 did not have a hazardous waste label.

- h. The facility could not provide documentation for Tanks 6502 and 6510 that a written assessment of the tanks design and integrity was performed by a professional engineer as required under 40 CFR § 265.192. Tank 6502 holds waste solvents containing xylene, TCEQ Waste Code No. 0018101H.
- 14. During the inspection on April 28-29, 2002, Respondent's representatives dated, labeled and closed all containers storing and accumulating hazardous waste that were noted by the EPA representative.
- 15. During the inspection on April 28- 29, Respondent's representatives repaired the leak from the pump feeding Hazardous Waste Tank 6502.
- 16. During the inspection on April 28-29, the facility representative labeled the hazardous waste Tank 6510 with the words "Hazardous Waste."
- 17. For purposes of this Complaint, the term "hazardous waste" shall mean "hazardous waste" and "industrial hazardous waste" as defined at 30 TAC § 335.1 [40 C.F.R § 260.10].

IV. VIOLATION

COUNT I - OPERATING A HAZARDOUS WASTE STORAGE UNIT WITHOUT INTERIM STATUS OR PERMIT BY FAILING TO MEET THE EXEMPTION REQUIREMENTS OF 30 TAC § 335.69 [40 C.F.R. 262.34]
[Open containers in storage and accumulation areas]

- 18. Paragraphs 1 through 17 are incorporated by reference.
- 19. A large quantity generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided the requirements in 30 TAC § 335.69 [40 C.F.R. § 262.34] are met.

20. On the day of the Inspection, the Respondent did not have a permit or interim status for the K58 drum area, the K-52 satellite accumulation area, the storage area located near the laboratory and the storage area located near Tank 6502.
21. Pursuant to 30 TAC § 335.69(a)(2) [40 C.F.R. § 262.34(a)(3)], a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the waste is placed in containers and the generator closes the container holding hazardous waste during storage, except when it is necessary to add or remove waste in accordance with the applicable requirements of Subpart I of 40 C.F.R. § 265.
22. A 55 gallon drum located at the K58 drumming area was observed open. The fill spout was inoperative and could not close because a thick coating of solidified waste had accumulated around the top of the spout. The drum contained acidic aqueous hazardous waste (D001 and D002).
23. A 55-gallon container located at the K-52 area was observed with the plug open. A hose draining the vent line was observed in the container, but it was not being filled at the time of the observation. The container contained D001, D002 and F003 hazardous waste.
24. A 55-gallon container storing acrylic acid (D002) near the laboratory was observed with the plug open.
25. A one-gallon bucket containing filter material (D001) hazardous waste, stored near Tank 6502, was observed open.
26. By failing to close container holding hazardous waste during storage, except when it is necessary to add or remove waste in accordance with the applicable

requirements of Subpart I of 40 C.F.R. § 265, Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].

27. THEREFORE, Respondent operated a hazardous waste storage unit without a permit or interim status in violation of 30 TAC § 335.2, [40 C.F.R. §§ 270.1 and 270.10], and RCRA Section 3005(a), 42 U.S.C. § 6925(a).

COUNT II - OPERATING A HAZARDOUS WASTE STORAGE UNIT WITHOUT INTERIM STATUS OR PERMIT BY FAILING TO MEET THE EXEMPTION REQUIREMENTS OF 30 TAC § 335.69 [40 C.F.R. § 262.34]
[Failure to label containers in storage and accumulation areas]

28. Paragraphs 1 through 27 are incorporated by reference.
29. A large quantity generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided the requirements in 30 TAC § 335.69 [40 C.F.R. § 262.34] are met.
30. On the day of the Inspection, the Respondent did not have a permit or interim status for the storage area near Tank 6502.
31. Pursuant to 30 TAC § 335.69(a)(2) [40 C.F.R. § 262.34(a)(3)], while being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous waste".
32. On the day of the Inspection, the EPA Inspector observed an unlabeled drum containing bag filter classified as D001 hazardous waste in an area near Tank 6502.
33. By failing to label or mark the container with the words, "Hazardous Waste", Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].

34. THEREFORE, Respondent operated a hazardous waste storage unit without a permit or interim status in violation of 30 TAC § 335.2, [40 C.F.R. §§ 270.1 and 270.10], and RCRA Section 3005(a), 42 U.S.C. § 6925(a).

**COUNT III - OPERATING A HAZARDOUS WASTE STORAGE UNIT WITHOUT INTERIM STATUS OR PERMIT BY FAILING TO MEET THE EXEMPTION REQUIREMENTS OF 30 TAC § 335.69 [40 C.F.R. § 262.34]
[Tank 6510]**

35. Paragraphs 1 through 34 are incorporated by reference.
36. A large quantity generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided the requirements in 30 TAC § 335.69 [40 C.F.R. § 262.34] are met.
37. On the day of the Inspection, the Respondent did not have a permit or interim status for the storage Tank 6510.
38. Pursuant to 30 TAC § 335.69(a)(2) [40 C.F.R. § 262.34(a)(1)(ii)], a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that, the waste is placed in tanks and the generator complies with the applicable requirements of Subpart J of 40 C.F.R. § 265.
39. On the day of the Inspection, the EPA Inspector observed that the Respondent had failed to label hazardous waste Tank 6510 with the words "Hazardous Waste.
40. Tank 6510 stores condensate water containing solvents (D001 and D002).
41. On the day of the Inspection, the Respondent could not provide documentation that integrity assessments were performed by a professional engineer for hazardous waste storage Tank 6510.

42. By failing to label or mark the container and tank with the words, "Hazardous Waste", Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].
43. By failing to conduct integrity assessments performed by a professional engineer for hazardous waste storage Tank 6510 in accordance with the applicable requirements of Subpart J of 40 C.F.R. § 265, Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].
44. THEREFORE, Respondent operated a hazardous waste storage unit without a permit or interim status in violation of 30 TAC § 335.2, [40 C.F.R. §§ 270.1 and 270.10], and RCRA Section 3005(a), 42 U.S.C. § 6925(a).

COUNT IV - OPERATING A HAZARDOUS WASTE STORAGE UNIT WITHOUT INTERIM STATUS OR PERMIT BY FAILING TO MEET THE EXEMPTION REQUIREMENTS OF 30 TAC § 335.69 [40 C.F.R. § 262.34]
[Tank 6502]

45. Paragraphs 1 through 44 are incorporated by reference.
46. A large quantity generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided the requirements in 30 TAC § 335.69 [40 C.F.R. § 262.34] are met.
47. On the day of the Inspection, the Respondent did not have a permit or interim status for the storage Tank 6502.
48. Tank 6502 stores hazardous waste solvents containing xylene/distillation bottoms (F005, F005, D035, D001).
49. Pursuant to 30 TAC § 335.69(a)(2) [40 C.F.R. § 262.34(a)(1)(ii)], a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that, the waste is placed in tanks and the

generator complies with the applicable requirements of Subpart J of 40 C.F.R. § 265.

50. Pursuant to 30 TAC § 335.69(d)(2) [40 C.F.R. § 262.34(a)(4)], the generator must comply with the requirements for owners or operators in Subparts C and D in 40 C.F.R. § 265.
51. Pursuant to 30 TAC § 335.69 [40 C.F.R. § 265.31], facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned releases.
52. On the day of the Inspection, the Respondent could not provide documentation that integrity assessments were performed by a professional engineer for hazardous waste storage Tank 6502.
53. On the day of the Inspection, the Respondent had not conducted inspections or maintained records for hazardous waste tank 6502.
54. On the day of the Inspection, the EPA inspector observed a leak from the pump feeding Tank 6502. Approximately a gallon of material was observed to have leaked from the pump. A rag was placed around the leak until repairs could be performed. There was no record on the tank inspection log of the observance of this leak.
55. By failing to conduct integrity assessments performed by a professional engineer for hazardous waste storage Tank 6502 in accordance with the applicable requirements of Subpart J of 40 C.F.R. § 265, Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].

56. By failing to inspect tanks and maintain records for hazardous waste Tank 6502, Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].
57. By failing to maintain and operate its facility in a manner to prevent releases as required, Respondent did not meet the requirements of 30 TAC § 335.69 [40 C.F.R. §§ 262.34 and 265.31]
58. THEREFORE, Respondent operated a hazardous waste storage unit without a permit or interim status in violation of 30 TAC § 335.2, [40 C.F.R. §§ 270.1 and 270.10], and RCRA Section 3005(a), 42 U.S.C. § 6925(a).

V. COMPLIANCE ORDER

1. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the Respondent is hereby ordered to provide to EPA, within sixty (60) days of receipt of this Complaint, a document describing how Respondent plans to ensure compliance with all hazardous waste regulations at the Facility.
2. In all instances in which this Compliance Order requires written submissions to EPA, each submission must be accompanied by the following certification signed by a "responsible official":

I certify that the information contained in or accompanying this submission is true, accurate and complete. As to those identified portions of this submission for which I cannot personally verify the truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting upon my direct instructions, made the verification, that this information is true, accurate and complete.

For the purpose of this certification, a "responsible official" of a corporation means a president, secretary, treasurer, or vice president of Cook Composite and Polymers, in charge of a principal business function, or any other person who performs similar decision-making functions for the corporation.

3. Copies of all documentation required by this Compliance Order, shall be sent to the following persons:

Samuel Tates, Section Chief
Texas Section (6EN-HT)
Hazardous Waste Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Attention: Agatha Benjamin, P.E.

Manager
Waste Section
Office of Enforcement
Texas Commission on Environmental Quality
P.O. Box 13087, Capitol Station
Austin, Texas 78711-3087

NOTICE: If you fail to take the required action(s) within the time specified in the Order, you may be liable for an additional penalty of up to Thirty-two Thousand Five Hundred Dollars (\$32,500) for each day of continued noncompliance, and may be subject to further enforcement action, including injunction from any further generation, transportation, treatment, storage or disposal of hazardous waste and such other and further relief as may be necessary to achieve compliance with Subtitle C of RCRA, all pursuant to Section 3008(c) of RCRA, 42 U.S.C. § 6928(c).

Notwithstanding any other provision of this Complaint, an enforcement action may be brought against the Respondent pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority if EPA finds that the handling, storage, treatment, transportation or disposal of solid waste or hazardous waste at the facility presents an imminent and substantial endangerment to human health or the environment.

VI. PROPOSED CIVIL PENALTY

Section 3008 of RCRA authorizes a civil penalty of up to Thirty-two Thousand Five Hundred Dollars (\$32,500.00) per day for each violation of RCRA and the regulations promulgated thereunder. Complainant proposes to assess a civil penalty of One Hundred Forty-eight Thousand Two Hundred and Ninety Dollars (\$148,290.00) against the Respondent. The computation of this amount is based upon the seriousness of the violations, any good faith efforts by the Respondent to comply with the applicable regulations, and the October 1990 RCRA Civil Penalty Policy.

The penalty was calculated as follows:

Count I - Operating a Hazardous Waste Storage Facility Without Interim Status or Permit by Failing to meet the Permit Exemption Requirements

- | | | |
|----|---|--------------|
| 1. | Gravity based penalty from matrix | \$41, 260.00 |
| | (a) Potential for harm - Moderate | |
| | (b) Extent of deviation - Moderate | |
| 2. | Number of days of violation for which a penalty is proposed - (0) | |
| 3. | Total multi-day gravity-based penalty - | N/A |
| 4. | Percent increase for negligence | N/A |

5. Percent increase for history of noncompliance N/A

Proposed Penalty for this Count \$41,260.00

Count II - Operating a Hazardous Waste Storage Facility Without Interim Status or Permit by Failing to meet the Permit Exemption Requirements

1. Gravity based penalty from matrix \$10,315.00

(a) Potential for harm - Moderate

(b) Extent of deviation - Moderate

2. Number of days of violation for which a penalty is proposed - (0)

3. Total multi-day gravity-based penalty - N/A

4. Percent increase for negligence N/A

5. Percent increase for history of noncompliance N/A

Proposed Penalty for this Complaint \$10,315.00

Count III - Operating a Hazardous Waste Storage Facility Without Interim Status or Permit by Failing to meet the Permit Exemption Requirements

1. Gravity based penalty from matrix \$38,686.00

(a) Potential for harm - Major

(b) Extent of deviation - Moderate

2. Number of days of violation for which a penalty is proposed - (0)

3. Total multi-day gravity-based penalty - N/A

4. Percent increase for negligence N/A

5. Percent increase for history of noncompliance N/A

Proposed Penalty for this Count \$38,686.00

Count IV -Operating a Hazardous Waste Storage Facility Without Interim Status or Permit by Failing to meet the Permit Exemption Requirements

- | | | |
|----|---|-------------|
| 1. | Gravity based penalty from matrix | \$58,029.00 |
| | (a) Potential for harm - Major | |
| | (b) Extent of deviation - Moderate | |
| 2. | Number of days of violation for which a penalty is proposed - (0) | |
| 3. | Total multi-day gravity-based penalty - | N/A |
| 4. | Percent increase for negligence | N/A |
| 5. | Percent increase for history of noncompliance | N/A |

Proposed Penalty for this Count: \$58,029.00

TOTAL PROPOSED PENALTY - \$148, 290.00

Payment of the penalty must be made by certified or cashier's check made payable to the Treasurer of the United States and shall be mailed to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 6
PO Box 371099M
Pittsburgh, PA 15251

Docket No. RCRA-6-2005-0908 should be clearly typed on the check to ensure proper credit.

Respondent shall send simultaneous notice of the penalty payment, including copies of the cashier's check or certified check, to the following:

Samuel Tates, Section Chief
Texas Section (6EN-HT)
Hazardous Waste Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Attention: Agatha Benjamin, P.E.

Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Respondent's adherence to these procedures will ensure proper credit when payments are received.

If Respondent wishes to contest any material fact contained in this Complaint, or the appropriateness of this penalty, Respondent may refer to the following Section entitled "Notice of Opportunity to Request a Hearing".

VII. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

Where Respondent 1) contests any material fact upon which the Complaint is based; 2) contends that the amount of the penalty proposed in the Complaint is inappropriate; or 3) contends that it is entitled to a judgment as a matter of law, Respondent shall file a written Answer to the Complaint with the Regional Hearing Clerk, EPA - Region 6, within thirty (30) days after the filing of the Complaint.

The Answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with regard to which Respondent has any knowledge. Where Respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. Failure of Respondent to admit, deny, or explain any material factual allegation in the Complaint constitutes an admission of the allegation.

The Answer shall also state: 1) the circumstances or arguments which are alleged to constitute the grounds of defense; 2) the facts which Respondent disputes; 3) the basis for opposing any proposed relief; and 4) whether a hearing is requested.

The hearing, if requested, will be conducted in accordance with the provisions of the Administrative Procedures Act (5 U.S.C. § 551 et seq.) and the Consolidated Rules of Practice codified at 40 C.F.R. Part 22. A copy of the Consolidated Rules is enclosed. Respondent may retain counsel for representation at the hearing.

The Regional Hearing Clerk's address is:

Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
U.S. Environmental Protection Agency, Region 6
U.S. EPA-Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

A copy of Respondent's Answer shall also be sent to Mr. William Puplampu, Enforcement Counsel (6RC-EW), Water/RCRA Enforcement Branch, U.S. Environmental Protection Agency - Region 6, 1445 Ross Avenue, Wells Fargo Bank Tower, Dallas, Texas 75202-2733.

VIII. DEFAULT ORDER

If Respondent fails to file an Answer within thirty (30) days after the filing of the Complaint, it may be found to be in default pursuant to 40 C.F.R. § 22.17. For the purposes of this action, default by Respondent constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing under Section 3008 of RCRA, 42 U.S.C. § 6928, concerning such factual allegations. The proposed penalty shall become due and payable by Respondent without further proceedings thirty (30) days after a final default order is issued. Upon issuance of the Default Order, Respondent must immediately comply with the Compliance Order provisions in this Complaint.

IX. SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, it may confer with the Complainant concerning settlement. EPA encourages settlement consistent with the provisions and objectives of RCRA and applicable regulations. A request for a settlement conference does not extend the thirty (30) day period during which the written Answer and a Request for Hearing must be submitted. The settlement conference procedure may be pursued as an alternative to and simultaneous with the formal hearing procedures. Respondent may appear at the settlement conference and/or be represented by counsel.

Any settlement reached by the parties shall be finalized upon the issuance of a written Consent Agreement and Consent Order by the Regional Administrator, EPA Region 6, in accordance with 40 C.F.R. § 22.18. The issuance of a Consent Agreement and Consent Order shall constitute a waiver of Respondent's right to request a hearing on any matter stipulated to therein.

To explore the possibility of settlement in this matter, address your correspondence to William Puplampu, Enforcement Counsel (6RC-EW), Water/RCRA Enforcement Branch, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Wells Fargo Bank Tower, Dallas, Texas 75202-2733 or by telephone call to (214) 665-8591.



John Blevins

Director

Compliance Assurance and
Enforcement Division (6EN)
U.S. EPA, Region 6

Dated this 30th day of June 2005, at Dallas, Texas.

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Complaint, Compliance Order, and Notice of Opportunity for Hearing concerning Cook Composites and Polymers Company Refining Group, Inc. - Docket No. RCRA-6-2005-0908, was filed with the Regional Hearing Clerk, EPA Region 6, Dallas, Texas, and that a true and correct copy of such Complaint, together with a copy of the Consolidated Rules of Practice (40 C.F.R. Part 22) was placed in the United States mail, postage prepaid, certified mail, return receipt requested, on this 30th day of June, 2005, addressed as follows:

CERTIFIED MAIL RECEIPT NO.

Corporation Service Company
2711 Centerville Road, Suite 400
Wilmington, Delaware 19808

Total Composite, Inc.
dba CSC-Lawyers Inco
800 Brazos, Suite 750
Austin, Texas 78701

Curran Composite, Inc.
CT Corporation System
350 N St. Paul St.
Dallas, Texas 75201

Janette Smith for Lori Jackson
Lori Jackson, Paralegal

US EPA Region 6
1445 Ross Avenue
Dallas, TX 75202-2733
mail code: 6RC-EW

This e-mail, including attachments, contains information that is confidential and it may contain material protected by the attorney/client privilege and/or other privileges and protections. This e-mail, including attachments, constitutes non-public information intended to be conveyed only to the designated recipients(s). If you are not an intended recipient, please delete this e-mail, including attachments, and notify me by return mail, e-mail, or at 214-665-6797. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful.
Gerald Carney/R6/USEPA/US

Gerald
Carney/R6/USEPA/US
11/18/2005 02:54 PM

To Agatha Benjamin/R6/USEPA/US@EPA, Yerusha
Beaver/R6/USEPA/US@EPA
cc Rhonda Smith/R6/USEPA/US@EPA
Subject SEP SOW for South Houston

Yerusha and Agatha:

Please see the attached DRAFT SEPSOW (Appendix A) for CCP (Cook Composites and Polymers Co.). I have adjusted our project goals to match the monies available. Let me know your thoughts and next steps. I have talked to Mr. Gromacki of CCP. I have not sent him a SOW draft.

[attachment "CCP_SEPSOW (11-18-05).doc" deleted by Yerusha
Beaver/R6/USEPA/US]

Gerald Carney 214.665.6523

Gerald Carney 214.665.6523

Gerald Carney/R6/USEPA/US

To Mike Gromacki <Gromacki@ccponline.com>

11/30/2005 01:56 PM

cc Yerusha Beaver/R6/USEPA/US@EPA, Agatha Benjamin/R6/USEPA/US@EPA

bcc

Subject RE: Supplemental Environmental Project (SEP) for CCP

History:

This message has been replied to

Michael Gromacki:
CCP, Kansas City, MO
Dir. Quality/Safety/Environment

Mike:

I have attached a Statement of Work (SOW) for the Supplemental Environmental Project (SEP)... **"Management of Hazardous Chemicals in Schools Using Small Scale Chemistry"**. I am available to discuss the work to be performed as soon as you are ready. South Houston schools will be very appreciative when unwanted chemicals are removed from their schools. Current and completed projects have been managed by Region 9 Education Service Center (Texas Education Dept.). We can include the Region 9 office when we agree on some of the details.



CCP_SEPSOW (11-22-05)-rev

Gerald Carney, PhD.
Region 6, EPA Dallas, TX
214.665.6523 office
817.480.6759 cell

— Forwarded by Gerald Carney/R6/USEPA/US on 11/30/2005 01:33 PM —



Mike Gromacki
<Gromacki@ccponline.com>
11/02/2005 05:20 PM

To Gerald Carney/R6/USEPA/US@EPA

cc Yerusha Beaver/R6/USEPA/US@EPA, "Chris McDonald (E-mail)" <CMCDONALD@shb.com>

Subject RE: Supplemental Environmental Project (SEP) for CCP

Mr. Carney:

Thank you very much for reaching me by email. I travel extensively and telephone communication is not always easy for me.

I am very pleased with the scope of the SSC SEP project. If we can establish the SEP amount for a figure at or near \$33,000, we are prepared to move ahead with settlement and SEP execution as soon as possible. I understand that this is a multi-phase project and that a phase could be completed for approximately that amount. We would like the focus of the SEP to be Houston schools, with emphasis on South Houston area which is nearest to our plant.

I understand that the SEP scope of work and the stipulated cost must be incorporated by Yerusha into a settlement agreement. I have copied Chris McDonald, our outside counsel, so that we are all aware of the plan.

I will also try to call you tomorrow, but please move forward with a draft agreement that meets the criteria described.

Regards,

Mike

-----Original Message-----

From: Carney.Gerald@epamail.epa.gov
[mailto:Carney.Gerald@epamail.epa.gov]
Sent: Tuesday, November 01, 2005 3:30 PM
To: Mike Gromacki
Cc: Beaver.Yerusha@epamail.epa.gov
Subject: Supplemental Environmental Project (SEP) for CCP Co.

Michael Gromacki:
CCP, Kansas City, MO
Dir. Quality/Safety/Environment

Although we have only communicated with each other through voice mail, I thought I should email you the attached information as soon as possible.

The GEO SEPSOW document is an example "Chemical Management in Schools using Small Scale Chemistry" SEP you have agreed to perform in the Houston, TX area. We are pleased that you have decided to do this community project. My experience has been that participating schools have been helped tremendously by the chemical removals and small scale chemistry workshops.

I am aware of contract assistance with experience in performing the Chemical Management in Schools SEP. Please look over the attached SEP example and contact me with comments or questions. Hopefully we can quickly agree on specifics in our document and go forward with the Houston project.

(See attached file: GEO SEPSOW (11-10-04)a.doc) (See attached file: sep_sscTX032304.doc) (See attached file: sep_safeschoolsHQmemo.txt)

214.665.6523

Thank you, Gerald Carney, Ph.D.

Toxicologist, US EPA
Region 6, Dallas, TX



Richard
Ehrhart/R6/USEPA/US
05/16/2008 04:13 PM

To troy hill/R6/USEPA/US@EPA, Ben
Banipal/R6/USEPA/US@EPA, Laurie
King/R6/USEPA/US@EPA, Melissa

cc

bcc

Subject Schedule for Vapor Sampling at Delfasco

History: This message has been forwarded.

Hello,

I have obtained a total of 19 access agreements for our study, so it looks like we are ready to get started.

Below is the proposed general schedule for our activities. I will forward a copy on the City of Grand Prairie, TCEQ, and Delfasco.

Rick

Monday May 19, 2008

- Mobilize to study area
- Install 2 subslab probe ports

Tuesday May 20

- Collect/Analyze Tedlar bag samples and/or TAGA wand samples for 17 crawlspace homes and 2 subslab homes. Data will be used to identify which homes will be selected for indoor air sampling w/Summa canisters
- Drop Summa canisters into 17 crawlspaces and connect Summa canisters to 2 slab ports - commence 24 hour sampling
- Clear 2 homes for volatiles, screen using TAGA, prep for indoor air sampling/close windows and screen doors

Wednesday May 21

- Clear remaining 3 homes for volatiles, screen using TAGA, prep for indoor air sampling/close windows and screen doors
- Collect Summa canisters put out on the previous day
- Set out Summa canisters in 2 homes selected for indoor air sampling

Thursday May 22

- Set out Summa canisters in remaining 3 homes selected for indoor air sampling
- Set out Summa canisters for outside ambient air sampling
- Pick up Summa canisters set out previous day

Friday May 23

- Pick up Summa canisters set out previous day
- Demob

Appendix A

SEP SCOPE OF WORK

Supplemental Environmental Project Scope of Work (SEPSOW)

“Management of Hazardous Chemicals in Schools Using Small Scale Chemistry”

Respondent shall implement a Supplemental Environmental Project (SEP) using six (6) phases to reduce, manage, and prevent present and future chemical hazards at schools in the South Houston, Texas area. Within ten (10) days after the “Management of Hazardous Chemicals in Schools Using Small Scale Chemistry” goals are communicated to participating schools, the Respondent shall submit to EPA an approvable work plan that includes completion dates for each phase of the project, names and addresses of all participating schools, cost estimates for each phase, names and addresses of consultants, and all other pertinent communications and agreements. The Education Service Center, a regional organizational level of the Texas Education Agency (TEA), will assist Respondent in managing the SEP.

Implementation of this SEP will begin within thirty (30) days after the effective date of the Consent Agreement and Final Order with which it is associated. All phases of the SEP shall be completed within twelve (12) months after implementation of this SEP is commenced. Respondent shall submit to EPA a quarterly (every three months) progress report. Upon completion of the Supplemental Environmental Project, Respondent shall submit to EPA a Closure Report.

A. The SEP Implementation Plan

1. Phase I B Respondent shall meet with the TEA Region 9 Education Service Center and selected local school(s) to communicate project goals. Communication to participating school staff and administrators (Phase I) shall be completed within one (1) month.
2. Phase II includes coordinating the organizing and collecting of hazardous chemical inventories for each participating school. Inventories will include specific chemical information such as hazardous chemical identification, uses, quantity stored, expiration dates, location, and type and integrity of container or packaging. Phase II shall be completed within three (3) months.
3. Phase III – Respondent shall, where needed, develop and/or purchase computer software suitable for electronic management of hazardous chemicals. The management shall include tracking chemical identification, dates and amounts of chemicals purchased, use, storage, disposal, and other relevant information. Phase III shall be completed within six (6) months.

4. Phase IV shall include evaluation, packaging, transport, and disposal of inventoried waste chemicals at each participating school. This phase shall be completed within nine (9) months.
5. Phase V requires Respondent to provide formal instruction with written and electronic materials to address the following: 1) use of a chemical inventory database; 2) use of small scale chemistry exercises to reduce the volume of chemicals purchased, chemicals stored, and hazardous wastes generated; 3) safe and legal handling of hazardous chemicals; and 4) regulations regarding the proper "cradle-to-grave" management of hazardous waste. Phase V shall be completed within nine (9) months.
6. Phase VI shall include conducting Small Scale Chemistry (SSC) workshops for participating school science teachers. Respondent will use SSC exercises correlated to the Texas Essential Knowledge and Skills (TEKS) Standards for science instruction. Phase VI shall be completed within twelve (12) months.


B. The progress report shall address the following:

1. A brief detailed summary of tasks completed;
2. Costs incurred;
3. Delays or problems encountered; and
4. Corrective measures taken to maintain schedule.

C. The SEP Closure Report shall address the following:

1. A summary, narrative, and graphic representation of the costs incurred.
2. Photographs of the work completed in Phases II-VI of the SEP.
3. A "lessons learned" section describing what, if any, changes to the project are recommended to better achieve the project goals.
4. Delays and problems encountered and corrective measures taken.
5. Certification and itemization of all funds spent implementing the SEP, documented by copies of purchase receipts, canceled checks, etc.
6. A total amount of and type of pollutants addressed.
7. Certification that the SEP has been fully implemented pursuant to the provisions of the Consent Agreement and Final Order.


Agatha
Benjamin/R6/USEPA/US
12/14/2005 08:30 AM

To Agatha Benjamin/R6/USEPA/US@EPA
cc Samuel Bates/R6/USEPA/US@EPA, Terry
Sykes/R6/USEPA/US@EPA, Yerusha
Beaver/R6/USEPA/US@EPA
bcc
Subject Re: Fw: Cook Composite CAFO (Final Draft) 

I was informed that John doesn't want a briefing, only to review the documentation that will going out to the company.
I am hoping we can get this done this week.

Agatha Benjamin/R6/USEPA/US


Agatha
Benjamin/R6/USEPA/US
12/14/2005 08:07 AM

To Yerusha Beaver/R6/USEPA/US
cc Samuel Bates/R6/USEPA/US@EPA, Terry
Sykes/R6/USEPA/US@EPA
Subject Re: Fw: Cook Composite CAFO (Final Draft) 

I am sorry for the confusion, please prepare the package as if you were sending it to the company. Once that is done, it will be routed for review by program and Division Director (a procedure long forgotten). I confirmed with Mark Hanseh, John wants to review what is going to the company, before and not afterward. We will return the package back to you and you can send it to the company, afterward we will route the sign cafo and letter for concurrence internally. If that is a problem, we can meet with John Belvins and Mark Hansen and brief him on the CAFO. There is only ONE letter and that the one Legal WRITES to transmit the document to the appropriate parties for concurrence.

I will send you a fact sheet for Cook.

Yerusha Beaver/R6/USEPA/US

 Yerusha
Beaver/R6/USEPA/US
12/13/2005 11:58 AM

To Agatha Benjamin/R6/USEPA/US@EPA
cc Samuel Bates/R6/USEPA/US@EPA, Terry
Sykes/R6/USEPA/US@EPA
Subject Re: Fw: Cook Composite CAFO (Final Draft)

For clarification, please note that it is John Blevins via Mark Hansen who requested to approve the CAFO draft before sending it to Respondent. It has been my ordinary practice to send a draft CAFO to Respondent under cover similar to the attached cover letter prior to routing. Then after the partially executed CAFO is returned, my Program counterpart routes the document for concurrence and signature within the Agency. I've never been told to route it myself, since team work has been a given. Thus, I will mail the draft CAFO to Respondent's counsel (as is my customary practice) after it has been routed by the Program to John for concurrence.



CCP cvrlet (CAFO final draft).frm

Additionally for ease, I've attached the SEPSOW final draft which Gerald forwarded to us several weeks ago.



CCP_SEPSOW (11-22-05)-rev.doc

Yerusha Beaver
email: beaver.yerusha@epa.gov
phone: 214.665.6797
fax: 214.665.3177
US EPA Region 6
1445 Ross Avenue
Dallas, TX 75202-2733
mail code: 6RC-EW

This e-mail, including attachments, contains information that is confidential and it may contain material protected by the attorney/client privilege and/or other privileges and protections. This e-mail, including attachments, constitutes non-public information intended to be conveyed only to the designated recipients(s). If you are not an intended recipient, please delete this e-mail, including attachments, and notify me by return mail, e-mail, or at 214-665-6797. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful.

Program is supposed to route the CAFOs and do the cover letters that John signs.

Sam, if Agatha will not route the folder, then I respectfully defer to you to route it on her behalf.

Thanx.

Yerusha Beaver
email: beaver.yerusha@epa.gov
phone: 214.665.6797
fax: 214.665.3177
US EPA Region 6
1445 Ross Avenue
Dallas, TX 75202-2733
mail code: 6RC-EW

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Agatha Benjamin/R6/USEPA/US

Agatha
Benjamin/R6/USEPA/US
12/13/2005 11:01 AM

To Yerusha Beaver/R6/USEPA/US@EPA
cc Samuel Bates/R6/USEPA/US@EPA
Subject Re: Fw: Cook Composite CAFO (Final Draft)

I think you need to put a letter and folder together, for concurrence. I will walk it through for my area.
Yerusha Beaver/R6/USEPA/US



Yerusha
Beaver/R6/USEPA/US
12/12/2005 03:34 PM

To Agatha Benjamin/R6/USEPA/US@EPA
cc
Subject Fw: Cook Composite CAFO (Final Draft)

Agatha,

Attached is the final draft of the Cook CAFO that Respondent has agreed to execute. Per Mark's email, please route this final draft to the appropriate folks. After John and others concur, we will then need to overnight the CAFO to Respondent for signature. Let me know when the draft is ready to be mailed. It should be sent to the attorney in order to expedite the process. Please affix a red special/urgent sticker on the routing folder, as we have a filing deadline of December 27th. Thanx.

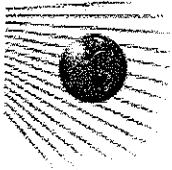


CCP CAFO Final.wpd

Yerusha Beaver
email: beaver.yerusha@epa.gov
phone: 214.665.6797
fax: 214.665.3177
US EPA Region 6
1445 Ross Avenue
Dallas, TX 75202-2733
mail code: 6RC-EW

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— Forwarded by Yerusha Beaver/R6/USEPA/US on 12/12/2005 03:21 PM —



Mark Hansen/R6/USEPA/US

11/23/2005 08:13 AM

To Agatha Benjamin/R6/USEPA/US@EPA
cc Marvin Benton/R6/USEPA/US@EPA, Samuel
Tates/R6/USEPA/US@EPA, Yerusha
Beaver/R6/USEPA/US@EPA
Subject Re: Cook Composite CAFO

I'm not sure if you have heard, but John has asked that all draft CAFOs be routed to him prior to being mailed to the respondent to allow him the opportunity to make sure that he agrees with the settlement. Please include him and Suzanne on the concurrence package for the draft CAFO before sending to the Respondent.

If I can be of assistance or answer any questions, please contact me at (214) 665-7548 or via email at hansen.mark@epa.gov.

Sincerely,

Mark Hansen
Chief
Hazardous Waste Enforcement Branch (6EN-H)

U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202
Telephone: (214) 665-7548
FAX: (214) 665-7264

Agatha Benjamin/R6/USEPA/US

Agatha
Benjamin/R6/USEPA/US
11/23/2005 07:53 AM

To: Yerusha Beaver/R6/USEPA/US@EPA
cc: Samuel Tate/R6/USEPA/US@EPA, Mark
Hansen/R6/USEPA/US@EPA, Marvin
Benton/R6/USEPA/US@EPA
Subject: Cook Composite CAFO

Yerusha,

Please provide me the status of Cook. When do you think the CAFO will be ready to route for concurrence?

Let me know as soon as possible.

Have a Happy Thanksgiving!

REGULATIONS VIOLATED

FACILITY NAME: Cook Composites and Polymers

EPA ID #: TXD10899863

Inspection (CEI) conducted: April 28-29, 2002

REGULATION VIOLATED: 40 CFR 270

Complaint, Compliance Order, and Notice of Opportunity for Hearing (code 210) filed June 30, 2005.

Assessed Penalty - \$148,290.00

Gerald Carney/R6/USEPA/US
11/22/2005 08:30 AM

To Agatha Benjamin/R6/USEPA/US@EPA
cc Rhonda Smith/R6/USEPA/US@EPA, Yerusha
Beaver/R6/USEPA/US@EPA
bcc
Subject Re: SEP SOW for South Houston

History

This message has been replied to



Changes made CCP_SEPSOW (11-22-05)-rev
Agatha Benjamin/R6/USEPA/US

Agatha
Benjamin/R6/USEPA/US
11/22/2005 08:03 AM


To Yerusha Beaver/R6/USEPA/US@EPA
cc Gerald Carney/R6/USEPA/US@EPA, Rhonda
Smith/R6/USEPA/US@EPA

Subject Re: SEP SOW for South Houston

Gerald , I accept Yerusha changes.

Gerald/Yerusha , please change the second sentence of the second paragraph, to read " All phases of the
SEP shall be completed within twelve(12) months after the implementation of this SEP is commenced."
With that the SEP Scope of Work is ready to go.

Yerusha Beaver/R6/USEPA/US

 Yerusha
Beaver/R6/USEPA/US
11/18/2005 04:19 PM

To Gerald Carney/R6/USEPA/US@EPA
cc Agatha Benjamin/R6/USEPA/US@EPA, Rhonda
Smith/R6/USEPA/US@EPA
Subject Re: SEP SOW for South Houston

Attached is a revised SEPSOW. I made several edits. If you have questions/comments after reviewing
the redraft, please let me know.

Thanx for your efforts.



CCP_SEPSOW (11-18-05)-rev.doc

Yerusha Beaver
email: beaver.yerusha@epa.gov
phone: 214.665.6797
fax: 214.665.3177

Cook Composites & Polymers Meeting
September 13, 2005

- | | | | |
|----|------------------|-----|--------------|
| 1. | Yerushka Beaver | EPA | 214-665-6797 |
| 2. | Ligatha Benjamin | EPA | 214 665-7292 |
| 3. | MICHAEL GROMACKI | CCP | 816 391 6011 |
| 4. | Chris McDonald | SNB | 816-474-4550 |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

NOV 29 2006

Michael Gromacki
Quality, Safety, Environment Director
Cook Composites and Polymers
P.O. Box 419389
Kansas City, Missouri 64141-6389

Re: In the Matter of: Cook Composites and Polymers
Houston, Texas
EPA Docket No. RCRA-6-2005-0908

Dear Mr. Gromacki:

This letter regards the proposed change to the Supplemental Environmental Project (SEP) that was part of the settlement agreement in the above referenced matter. Mr. Gerald Carney of EPA, Region 6 has communicated to me that you and he have agreed to make certain changes to Phase III of the SEP. Specifically, Cook Composites and Polymers (CCP) requests to replace the original language in paragraph A.3 of the SEP Implementation Plan section of the SEP Scope of Work (SEPSOW) (Appendix A of the Consent Agreement/Final Order) with the following language:

3. Phase III shall include video taping thirty (30) Small Scale Chemistry (SSC) exercises presented at SSC Workshops in Texas. Respondent is required to arrange for SSC workshops to be video recorded, procure the equipment needed, and submit the video recordings to participating South Houston School Districts and to Region 9 Education Service Center (ESC) of the Texas Education Agency. Videos will facilitate continued teaching of "Chemical Management in Schools Using Small Scale Chemistry". Phase III shall be completed on or before December 31, 2006.

Based upon the above information, EPA accepts your request. CCP has further agreed that no other change will be made in addition to the express language of this revision to Phase III of the SEPSOW as expressed above.

FAX

COMMUNICATION

RECEIVED
06 AUG 26 AM 10:00HAZARDOUS WASTE ENF DR
TEXAS SECTION

TO:	Ms. Agatha Benjamin, P.E.	FROM:	Mike Gromacki
COMPANY:	US EPA Region 6	DEPT:	Operations
FAX #:	214-665-7446	FAX #:	816-391-6093
DATE:	August 4, 2006	# OF PAGES:	3
SUBJECT:	SEP Status Report and Extension Request		

FAX
COMMUNICATION

TO:	Ms. Agatha Benjamin, P.E.	FROM:	Mike Gromacki
COMPANY:	US EPA Region 6	DEPT:	Operations
FAX #:	214-665-7446	FAX #:	816-391-6093
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SEP Status Report
Ms. Agatha Benjamin, P.E.
August 4, 2006
Page 2 of 2

SEP Extension Request

Due to the initial difficulties of securing participation of a host school and educator participants for the SSC Workshops, CCP respectfully requests an extension of the SEP Completion Date. CCP requests that the SEP Completion Date be extended from December 28, 2006 to June 28, 2007. CCP has discussed this extension with Dr. Gerald Carney, Ph.D of US EPA Region 6, and Dr. Carney recommends and supports this extension.

If you have any questions regarding the SEP Status Report or the SEP extension request, please contact me at (816) 391-6011.

Sincerely,
COOK COMPOSITES AND POLYMERS CO.



Michael Gromacki
Manufacturing Director

CC: Dr. Gerald Carney, Ph.D - US EPA Region 6
Mr. Scott Crump - CCP
Mr. Jon Schuckman - CCP

*** RX REPORT ***

RECEPTION OK

TX/RX NO	7697
CONNECTION TEL	8163916093
SUB-ADDRESS	
CONNECTION ID	
ST. TIME	08/04 16:21
USAGE T	00'27
PGS.	3
RESULT	OK



CORPORATION SERVICE COMPANY®

JQC
Transmittal Number: 4071780

Return of Service of Process

Return to Sender Information:

John Blevins, Director of Compliance Assurance
and Enforcement Division
U.S. Environmental Protection Agency, Region VI
Allied Bank Tower at Fountain Place
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Date: 07/11/2005

Entity: Cook Composites and Polymers

Title of Action: Environmental Protection Agency vs. Cook Composites and Polymers

Case Number: RCRA-6-2005-0908

Service of Process has been received from you on behalf of one of the defendants named in the above action.

The service of process received from you is being returned. We cannot receive this service as registered agent due to the reason(s) listed below.

Because two different companies can have very similar names, the name of the company for whom service is directed MUST BE IDENTICAL to the company name on file with the Secretary of State, or other appropriate state agency.

Our client records are confidential. We do not release any information on our clients, agent representation or service received. We suggest you contact the Secretary of State, or other appropriate agency, for more information.

2711 Centerville Road Wilmington, DE 19808
(888) 690-2882 | sop@cscinfo.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

JUL 01 2005

CERTIFIED MAIL- RETURN RECEIPT REQUESTED: 7003 0500 0003 0874 3099

Mr. Glenn Cruze
Plant Manager
Cook Composites and Polymers
2434 Holmes Road
Houston, TX 77051

Re: Complaint, Compliance Order, and Notice of Opportunity for a Hearing: *In the Matter of Cook Composites and Polymers, Houston, Texas*; Docket No. RCRA-6-2005-0908

Dear Mr. Cruze:

Enclosed is a Complaint, Compliance Order, and Notice of Opportunity for Hearing (Complaint) issued by the U.S. Environmental Protection Agency to Cook Composites and Polymers, Houston, Texas (Cook). This Complaint is issued based on the following violations of Subtitle C of the Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. § 6901, et seq., as amended:

- Failure to close containers
- Failure to mark and label container & tanks
- Failure to perform tanks integrity assessment
- Failure to inspect and maintain records

Please notice you can submit a written request for a hearing to the Regional Hearing Clerk within thirty (30) days of service of this Complaint. If a hearing is not requested, a default judgement may be entered and a civil penalty may be assessed without further proceedings.

Any questions regarding this matter may be addressed to the Compliance Officer for this case, Agatha Benjamin, P.E., who can be reached at (214) 665-7292 or in writing at the above address.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins
Director

Compliance Assurance and
Enforcement Division

Enclosure

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED

05 JUN 30 PM 3:08

ONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:

COOK COMPOSITES AND POLYMERS

HOUSTON, TEXAS 77051

EPA I.D.: TXD10899863

RESPONDENT.

§
§
§
§
§
§
§
§

DOCKET NUMBER
RCRA-6-2005-0908

**COMPLAINT, COMPLIANCE ORDER, AND NOTICE
OF OPPORTUNITY FOR HEARING**

The Complainant, the Director of the Compliance Assurance and Enforcement Division of the United States Environmental Protection Agency ("EPA") Region 6, issues this COMPLAINT, COMPLIANCE ORDER, AND NOTICE OF OPPORTUNITY FOR HEARING ("Complaint") to COOK COMPOSITES AND POLYMERS ("Respondent").

I. STATEMENT OF AUTHORITY

This Complaint is issued pursuant to Section 3008 of the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. § 6901 et seq., as amended by the Hazardous and Solid Waste Amendments of 1984 ("HSWA"). Section 3008(a) of RCRA authorizes the Administrator of the EPA to issue complaints whenever the Administrator has information that any person has violated or is violating any requirement of Subtitle C of RCRA, 42 U.S.C.

§§ 6921-6939e. The requirements of Subtitle C include the requirements of the authorized program in a State which has been authorized to carry out a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926. On December 26, 1984, the State of Texas received final authorization for its base RCRA program (49 Fed. Reg. 48300), and there have been subsequent authorized revisions to the base program. The Texas Commission on Environmental Quality ("TCEQ") is the State agency designated to carry out the authorized RCRA program. EPA is enforcing the Texas regulations in its oversight capacity.

The authority to issue this Complaint has been delegated by the Administrator of the EPA to the Regional Administrator, EPA Region 6, and has been further delegated to the Compliance Assurance and Enforcement Division Director, EPA Region 6 ("Complainant").

II. NOTICE TO THE STATE

Notice of this action has been given to the State of Texas prior to the issuance of this Complaint pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).

III. PRELIMINARY STATEMENT

1. COOK COMPOSITES AND POLYMERS, INC. ("Respondent") was incorporated in and under the laws of the State of Delaware on February 14, 1990 and was certified to do business in the State of Texas on July 23, 1990.
2. Respondent is a "person" as defined in Texas Health and Safety Code §61.003(26) (Vernon 1993), 30 Texas Administrative Code (TAC) § 335.1,

Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 Code of Federal Regulations (C.F.R.) § 260.10.

3. Respondent's registered agent for service is Corporation Service Company, 2711 Centerville Road Suite 400, Wilmington, Delaware 19808.
4. Respondent owns and operates a plastics resin manufacturing facility, using glycol, ethylene and propylene as feedstock.
5. Respondent's facility is located at 2434 Holmes Road, Houston, Texas 77051 ("the Facility").
6. On or about September 14, 1995, Respondent submitted a Part A application for a hazardous waste container storage area, Respondent noted its intent to operate the container storage area in a manner that was exempt from the RCRA permitting program.
7. Pursuant to RCRA § 3010, 42 U.S.C. § 6930, on or about March 04, 1997, Respondent filed a Notification of Hazardous Waste Activity ("3010 Notification") with EPA.
8. In the 3010 Notification, Respondent identified itself as a large quantity generator of hazardous wastes, including generation of the following hazardous wastes:
 - a. D001, D002, D003, D009, D018, D035 and;
 - b. F003 and F005;
 - c. U190, U147, U096, and U223 hazardous wastes.
9. Respondent is a "generator" of hazardous waste, as that term is defined in 30 TAC § 335.1 [40 C.F.R. § 260.10].

10. The Respondent's plastics Resin Manufacturing business is a "Facility" as the term is defined at 30 TAC § 335.1 [40 C.F.R. § 260.10].
11. Pursuant to RCRA § 3007, 42 U. S. C. § 6927 on April 28-29, 2002, EPA representatives conducted a Compliance Evaluation Inspection (Inspection) at Respondent's Facility.
12. During the Inspection, EPA representatives were accompanied by Mr. Mark Auten, Facility PSM Coordinator, and Mr. Roy D. Williams, Facility Operations Manager.
13. During the Inspection, EPA representatives made the following observations:
 - a. A satellite accumulation drum located at the K58 drumming area was observed open because of a defective fill spout. The fill spout was inoperative and could not close because a thick coating of solidified waste had accumulated around the top of the spout.
 - b. A 55 gallon satellite accumulation container located near the laboratory containing acrylic acid was observed with the plug open.
 - c. A 55-gallon satellite accumulation container located at the K-52 area was observed with the plug open. A hose draining the vent line was observed in the container, but it was not being filled at the time of the observation.
 - d. Near Tank 6502, an unlabeled drum containing bag filters, classified as D001, hazardous waste, TCEQ Waste Identification No. 003402H was observed.
 - e. Near Tank 6502, a gallon bucket containing filter material (D001), hazardous waste was observed uncovered.
 - f. A leak was observed from the pump feeding Tank 6502. A rag was placed around the leak. Less than a gallon of material was observed to have leaked from the pump. There was no record in the tank inspection log documenting this leak.
 - g. Tank 6510 did not have a hazardous waste label.

20. On the day of the Inspection, the Respondent did not have a permit or interim status for the K58 drum area, the K-52 satellite accumulation area, the storage area located near the laboratory and the storage area located near Tank 6502.
21. Pursuant to 30 TAC § 335.69(a)(2) [40 C.F.R. § 262.34(a)(3)], a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that the waste is placed in containers and the generator closes the container holding hazardous waste during storage, except when it is necessary to add or remove waste in accordance with the applicable requirements of Subpart I of 40 C.F.R. § 265.
22. A 55 gallon drum located at the K58 drumming area was observed open. The fill spout was inoperative and could not close because a thick coating of solidified waste had accumulated around the top of the spout. The drum contained acidic aqueous hazardous waste (D001 and D002).
23. A 55-gallon container located at the K-52 area was observed with the plug open. A hose draining the vent line was observed in the container, but it was not being filled at the time of the observation. The container contained D001, D002 and F003 hazardous waste.
24. A 55-gallon container storing acrylic acid (D002) near the laboratory was observed with the plug open.
25. A one-gallon bucket containing filter material (D001) hazardous waste, stored near Tank 6502, was observed open.
26. By failing to close container holding hazardous waste during storage, except when it is necessary to add or remove waste in accordance with the applicable

- h. The facility could not provide documentation for Tanks 6502 and 6510 that a written assessment of the tanks design and integrity was performed by a professional engineer as required under 40 CFR § 265.192. Tank 6502 holds waste solvents containing xylene, TCEQ Waste Code No. 0018101H.
14. During the inspection on April 28-29, 2002, Respondent's representatives dated, labeled and closed all containers storing and accumulating hazardous waste that were noted by the EPA representative.
15. During the inspection on April 28- 29, Respondent's representatives repaired the leak from the pump feeding Hazardous Waste Tank 6502.
16. During the inspection on April 28-29, the facility representative labeled the hazardous waste Tank 6510 with the words "Hazardous Waste."
17. For purposes of this Complaint, the term "hazardous waste" shall mean "hazardous waste" and "industrial hazardous waste" as defined at 30 TAC § 335.1 [40 C.F.R § 260.10].

IV. VIOLATION

**COUNT I - OPERATING A HAZARDOUS WASTE STORAGE UNIT WITHOUT INTERIM STATUS OR PERMIT BY FAILING TO MEET THE EXEMPTION REQUIREMENTS OF 30 TAC § 335.69 [40 C.F.R. 262.34]
[Open containers in storage and accumulation areas]**

18. Paragraphs 1 through 17 are incorporated by reference.
19. A large quantity generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided the requirements in 30 TAC § 335.69 [40 C.F.R. § 262.34] are met.

requirements of Subpart I of 40 C.F.R. § 265, Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].

27. THEREFORE, Respondent operated a hazardous waste storage unit without a permit or interim status in violation of 30 TAC § 335.2, [40 C.F.R. §§ 270.1 and 270.10], and RCRA Section 3005(a), 42 U.S.C. § 6925(a).

**COUNT II - OPERATING A HAZARDOUS WASTE STORAGE UNIT WITHOUT INTERIM STATUS OR PERMIT BY FAILING TO MEET THE EXEMPTION REQUIREMENTS OF 30 TAC § 335.69 [40 C.F.R. § 262.34]
[Failure to label containers in storage and accumulation areas]**

28. Paragraphs 1 through 27 are incorporated by reference.
29. A large quantity generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided the requirements in 30 TAC § 335.69 [40 C.F.R. § 262.34] are met.
30. On the day of the Inspection, the Respondent did not have a permit or interim status for the storage area near Tank 6502.
31. Pursuant to 30 TAC § 335.69(a)(2) [40 C.F.R. § 262.34(a)(3)], while being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous waste".
32. On the day of the Inspection, the EPA Inspector observed an unlabeled drum containing bag filter classified as D001 hazardous waste in an area near Tank 6502.
33. By failing to label or mark the container with the words, "Hazardous Waste", Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].

34. THEREFORE, Respondent operated a hazardous waste storage unit without a permit or interim status in violation of 30 TAC § 335.2, [40 C.F.R. §§ 270.1 and 270.10], and RCRA Section 3005(a), 42 U.S.C. § 6925(a).

COUNT III - OPERATING A HAZARDOUS WASTE STORAGE UNIT WITHOUT INTERIM STATUS OR PERMIT BY FAILING TO MEET THE EXEMPTION REQUIREMENTS OF 30 TAC § 335.69 [40 C.F.R. § 262.34] [Tank 6510]

35. Paragraphs 1 through 34 are incorporated by reference.
36. A large quantity generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided the requirements in 30 TAC § 335.69 [40 C.F.R. § 262.34] are met.
37. On the day of the Inspection, the Respondent did not have a permit or interim status for the storage Tank 6510.
38. Pursuant to 30 TAC § 335.69(a)(2) [40 C.F.R. § 262.34(a)(1)(ii)], a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that, the waste is placed in tanks and the generator complies with the applicable requirements of Subpart J of 40 C.F.R. § 265.
39. On the day of the Inspection, the EPA Inspector observed that the Respondent had failed to label hazardous waste Tank 6510 with the words "Hazardous Waste.
40. Tank 6510 stores condensate water containing solvents (D001 and D002).
41. On the day of the Inspection, the Respondent could not provide documentation that integrity assessments were performed by a professional engineer for hazardous waste storage Tank 6510.

42. By failing to label or mark the container and tank with the words, "Hazardous Waste", Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].
43. By failing to conduct integrity assessments performed by a professional engineer for hazardous waste storage Tank 6510 in accordance with the applicable requirements of Subpart J of 40 C.F.R. § 265, Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].
44. THEREFORE, Respondent operated a hazardous waste storage unit without a permit or interim status in violation of 30 TAC § 335.2, [40 C.F.R. §§ 270.1 and 270.10], and RCRA Section 3005(a), 42 U.S.C. § 6925(a).

COUNT IV - OPERATING A HAZARDOUS WASTE STORAGE UNIT WITHOUT INTERIM STATUS OR PERMIT BY FAILING TO MEET THE EXEMPTION REQUIREMENTS OF 30 TAC § 335.69 [40 C.F.R. § 262.34] [Tank 6502]

45. Paragraphs 1 through 44 are incorporated by reference.
46. A large quantity generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided the requirements in 30 TAC § 335.69 [40 C.F.R. § 262.34] are met.
47. On the day of the Inspection, the Respondent did not have a permit or interim status for the storage Tank 6502.
48. Tank 6502 stores hazardous waste solvents containing xylene/distillation bottoms (F005, F005, D035, D001).
49. Pursuant to 30 TAC § 335.69(a)(2) [40 C.F.R. § 262.34(a)(1)(ii)], a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that, the waste is placed in tanks and the

generator complies with the applicable requirements of Subpart J of 40 C.F.R. § 265.

50. Pursuant to 30 TAC § 335.69(d)(2) [40 C.F.R. § 262.34(a)(4)], the generator must comply with the requirements for owners or operators in Subparts C and D in 40 C.F.R. § 265.
51. Pursuant to 30 TAC § 335.69 [40 C.F.R. § 265.31], facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned releases.
52. On the day of the Inspection, the Respondent could not provide documentation that integrity assessments were performed by a professional engineer for hazardous waste storage Tank 6502.
53. On the day of the Inspection, the Respondent had not conducted inspections or maintained records for hazardous waste tank 6502.
54. On the day of the Inspection, the EPA inspector observed a leak from the pump feeding Tank 6502. Approximately a gallon of material was observed to have leaked from the pump. A rag was placed around the leak until repairs could be performed. There was no record on the tank inspection log of the observance of this leak.
55. By failing to conduct integrity assessments performed by a professional engineer for hazardous waste storage Tank 6502 in accordance with the applicable requirements of Subpart J of 40 C.F.R. § 265, Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].

56. By failing to inspect tanks and maintain records for hazardous waste Tank 6502, Respondent failed to meet the exemption requirements of 30 TAC § 335.69 [40 C.F.R. § 262.34].
57. By failing to maintain and operate its facility in a manner to prevent releases as required, Respondent did not meet the requirements of 30 TAC § 335.69 [40 C.F.R. §§ 262.34 and 265.31]
58. THEREFORE, Respondent operated a hazardous waste storage unit without a permit or interim status in violation of 30 TAC § 335.2, [40 C.F.R. §§ 270.1 and 270.10], and RCRA Section 3005(a), 42 U.S.C. § 6925(a).

V. COMPLIANCE ORDER

1. Pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), the Respondent is hereby ordered to provide to EPA, within sixty (60) days of receipt of this Complaint, a document describing how Respondent plans to ensure compliance with all hazardous waste regulations at the Facility.
2. In all instances in which this Compliance Order requires written submissions to EPA, each submission must be accompanied by the following certification signed by a "responsible official":

I certify that the information contained in or accompanying this submission is true, accurate and complete. As to those identified portions of this submission for which I cannot personally verify the truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting upon my direct instructions, made the verification, that this information is true, accurate and complete.

For the purpose of this certification, a "responsible official" of a corporation means a president, secretary, treasurer, or vice president of Cook Composite and Polymers, in charge of a principal business function, or any other person who performs similar decision-making functions for the corporation.

3. Copies of all documentation required by this Compliance Order, shall be sent to the following persons:

Samuel Tates, Section Chief
Texas Section (6EN-HT)
Hazardous Waste Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Attention: Agatha Benjamin, P.E.

Manager
Waste Section
Office of Enforcement
Texas Commission on Environmental Quality
P.O. Box 13087, Capitol Station
Austin, Texas 78711-3087

NOTICE: If you fail to take the required action(s) within the time specified in the Order, you may be liable for an additional penalty of up to Thirty-two Thousand Five Hundred Dollars (\$32,500) for each day of continued noncompliance, and may be subject to further enforcement action, including injunction from any further generation, transportation, treatment, storage or disposal of hazardous waste and such other and further relief as may be necessary to achieve compliance with Subtitle C of RCRA, all pursuant to Section 3008(c) of RCRA, 42 U.S.C. § 6928(c).

Notwithstanding any other provision of this Complaint, an enforcement action may be brought against the Respondent pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority if EPA finds that the handling, storage, treatment, transportation or disposal of solid waste or hazardous waste at the facility presents an imminent and substantial endangerment to human health or the environment.

VI. PROPOSED CIVIL PENALTY

Section 3008 of RCRA authorizes a civil penalty of up to Thirty-two Thousand Five Hundred Dollars (\$32,500.00) per day for each violation of RCRA and the regulations promulgated thereunder. Complainant proposes to assess a civil penalty of One Hundred Forty-eight Thousand Two Hundred and Ninety Dollars (\$148,290.00) against the Respondent. The computation of this amount is based upon the seriousness of the violations, any good faith efforts by the Respondent to comply with the applicable regulations, and the October 1990 RCRA Civil Penalty Policy.

The penalty was calculated as follows:

Count I - Operating a Hazardous Waste Storage Facility Without Interim Status or Permit by Failing to meet the Permit Exemption Requirements

- | | | |
|----|---|--------------|
| 1. | Gravity based penalty from matrix | \$41, 260.00 |
| | (a) Potential for harm - Moderate | |
| | (b) Extent of deviation - Moderate | |
| 2. | Number of days of violation for which a penalty is proposed - (0) | |
| 3. | Total multi-day gravity-based penalty - | N/A |
| 4. | Percent increase for negligence | N/A |

5. Percent increase for history of noncompliance N/A

Proposed Penalty for this Count \$41,260.00

Count II - Operating a Hazardous Waste Storage Facility Without Interim Status or Permit by Failing to meet the Permit Exemption Requirements

1. Gravity based penalty from matrix \$10,315.00

(a) Potential for harm - Moderate

(b) Extent of deviation - Moderate

2. Number of days of violation for which a penalty is proposed - (0)

3. Total multi-day gravity-based penalty - N/A

4. Percent increase for negligence N/A

5. Percent increase for history of noncompliance N/A

Proposed Penalty for this Complaint \$10,315.00

Count III - Operating a Hazardous Waste Storage Facility Without Interim Status or Permit by Failing to meet the Permit Exemption Requirements

1. Gravity based penalty from matrix \$38,686.00

(a) Potential for harm - Major

(b) Extent of deviation - Moderate

2. Number of days of violation for which a penalty is proposed - (0)

3. Total multi-day gravity-based penalty - N/A

4. Percent increase for negligence N/A

5. Percent increase for history of noncompliance N/A

Proposed Penalty for this Count \$38,686.00

Count IV -Operating a Hazardous Waste Storage Facility Without Interim Status or Permit by Failing to meet the Permit Exemption Requirements

1. Gravity based penalty from matrix \$58,029.00
 - (a) Potential for harm - Major
 - (b) Extent of deviation - Moderate
2. Number of days of violation for which a penalty is proposed - (0)
3. Total multi-day gravity-based penalty - N/A
4. Percent increase for negligence N/A
5. Percent increase for history of noncompliance N/A

Proposed Penalty for this Count: \$58,029.00

TOTAL PROPOSED PENALTY - \$148, 290.00

Payment of the penalty must be made by certified or cashier's check made payable to the Treasurer of the United States and shall be mailed to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 6
PO Box 371099M
Pittsburgh, PA 15251

Docket No. RCRA-6-2005-0908 should be clearly typed on the check to ensure proper credit.

Respondent shall send simultaneous notice of the penalty payment, including copies of the cashier's check or certified check, to the following:

Samuel Tates, Section Chief
Texas Section (6EN-HT)
Hazardous Waste Enforcement Branch
Compliance Assurance and Enforcement Division
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Attention: Agatha Benjamin, P.E.

Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Respondent's adherence to these procedures will ensure proper credit when payments are received.

If Respondent wishes to contest any material fact contained in this Complaint, or the appropriateness of this penalty, Respondent may refer to the following Section entitled "Notice of Opportunity to Request a Hearing".

VII. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

Where Respondent 1) contests any material fact upon which the Complaint is based; 2) contends that the amount of the penalty proposed in the Complaint is inappropriate; or 3) contends that it is entitled to a judgment as a matter of law, Respondent shall file a written Answer to the Complaint with the Regional Hearing Clerk, EPA - Region 6, within thirty (30) days after the filing of the Complaint.

The Answer shall clearly and directly admit, deny, or explain each of the factual allegations contained in this Complaint with regard to which Respondent has any knowledge. Where Respondent has no knowledge of a particular factual allegation and so-states, the allegation is deemed denied. Failure of Respondent to admit, deny, or explain any material factual allegation in the Complaint constitutes an admission of the allegation.

The Answer shall also state: 1) the circumstances or arguments which are alleged to constitute the grounds of defense; 2) the facts which Respondent disputes; 3) the basis for opposing any proposed relief; and 4) whether a hearing is requested.

The hearing, if requested, will be conducted in accordance with the provisions of the Administrative Procedures Act (5 U.S.C. § 551 et seq.) and the Consolidated Rules of Practice codified at 40 C.F.R. Part 22. A copy of the Consolidated Rules is enclosed. Respondent may retain counsel for representation at the hearing.

The Regional Hearing Clerk's address is:

Lorena S. Vaughn
Regional Hearing Clerk (6RC-D)
U.S. Environmental Protection Agency, Region 6
U.S. EPA-Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

A copy of Respondent's Answer shall also be sent to Mr. William Pupilampu, Enforcement Counsel (6RC-EW), Water/RCRA Enforcement Branch, U.S. Environmental Protection Agency - Region 6, 1445 Ross Avenue, Wells Fargo Bank Tower, Dallas, Texas 75202-2733.

VIII. DEFAULT ORDER

If Respondent fails to file an Answer within thirty (30) days after the filing of the Complaint, it may be found to be in default pursuant to 40 C.F.R. § 22.17. For the purposes of this action, default by Respondent constitutes an admission of all facts alleged in the Complaint and a waiver of the right to a hearing under Section 3008 of RCRA, 42 U.S.C. § 6928, concerning such factual allegations. The proposed penalty shall become due and payable by Respondent without further proceedings thirty (30) days after a final default order is issued. Upon issuance of the Default Order, Respondent must immediately comply with the Compliance Order provisions in this Complaint.

IX. SETTLEMENT CONFERENCE

Whether or not Respondent requests a hearing, it may confer with the Complainant concerning settlement. EPA encourages settlement consistent with the provisions and objectives of RCRA and applicable regulations. A request for a settlement conference does not extend the thirty (30) day period during which the written Answer and a Request for Hearing must be submitted. The settlement conference procedure may be pursued as an alternative to and simultaneous with the formal hearing procedures. Respondent may appear at the settlement conference and/or be represented by counsel.

Any settlement reached by the parties shall be finalized upon the issuance of a written Consent Agreement and Consent Order by the Regional Administrator, EPA Region 6, in accordance with 40 C.F.R. § 22.18. The issuance of a Consent Agreement and Consent Order shall constitute a waiver of Respondent's right to request a hearing on any matter stipulated to therein.

To explore the possibility of settlement in this matter, address your correspondence to William Puplampu, Enforcement Counsel (6RC-EW), Water/RCRA Enforcement Branch, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Wells Fargo Bank Tower, Dallas, Texas 75202-2733 or by telephone call to (214) 665-8591.



John Blevins

Director

Compliance Assurance and
Enforcement Division (6EN)
U.S. EPA, Region 6

Dated this 30th day of JUNE 2005, at Dallas, Texas.

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Complaint, Compliance Order, and Notice of Opportunity for Hearing concerning Cook Composites and Polymers Company Refining Group, Inc. - Docket No. RCRA-6-2005-0908, was filed with the Regional Hearing Clerk, EPA Region 6, Dallas, Texas, and that a true and correct copy of such Complaint, together with a copy of the Consolidated Rules of Practice (40 C.F.R. Part 22) was placed in the United States mail, postage prepaid, certified mail, return receipt requested, on this 30th day of June, 2005, addressed as follows:

CERTIFIED MAIL RECEIPT NO.

Corporation Service Company
2711 Centerville Road, Suite 400
Wilmington, Delaware 19808

Total Composite, Inc.
dba CSC-Lawyers Inco
800 Brazos, Suite 750
Austin, Texas 78701

Curran Composite, Inc.
CT Corporation System
350 N St. Paul St.
Dallas, Texas 75201

Yanette Smith for Lori Jackson
Lori Jackson, Paralegal

14
November 25, 1985

30594
Crouch

Kimble

Mr. Carlos A. Stennett
Environmental Regulations Specialist
Magna Corporation
P.O. Box 33387
Houston, Texas 77033

Dear Mr. Stennett:

Re: RCRA Financial Assurance
Texas Water Commission Registration Numbers 32048, 32536,
32538 and 30594

We have received notice from American Home Assurance Company that surety bond number 04-82-34 will be cancelled effective December 5, 1985.

This agency will require financial assurance for closure/post-closure of the above referenced facilities by alternate carrier or mechanism by that date.

Failure to provide financial assurance for closure/post-closure is a violation of 40 CFR 264.143 and 265.143 requirements. Ms. Kay Crouch is available at 512/463-7761 for assistance.

Sincerely,

Russell Kimble, Head
Program Support Unit
Program Support Section
Hazardous and Solid Waste Division

KC:mk

cc: Texas Water Commission District 5 Office
Texas Water Commission District 10 Office
Texas Water Commission District 13 Office
Texas Water Commission Southeast Region Offices

bcc: Kay Crouch, Program Support Unit
Minor Hibbs, Head, Hazardous and Solid Waste Permits Section
Mert Coloton, Head, Hazardous & Solid Waste Enforcement Section

HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT LOG



OK fib
OK m

45

TDWR ID: 30594

1. EPA ID: TX D00080786

INDUSTRY: Chardono

DISTRICT: 07

2. INDUSTRY NAME: Chardonol Corporation

PHONE: (713) 799-1800

3. SITE ADDRESS: 2434 Holmes Rd. Houston ZIP: 77051

COUNTY: Harris

7. DATE SUBT: 05-15-85

FACILITY: G2

4. MAJOR/NONMAJOR: ☒ MAJOR

6. TYPE OF EVALUATION: FV

(CEI-EV, EC; CME-GW; OTHER-CL, SW, OT; SAMPLE-SA;
FOLLOW UP-FO; RECORD REVIEW-RC, RF; FOR
HIGH PRIORITY PLACE H IN 1ST BLOCK)

5. DATE OF INITIAL EVALUATION: 03-27-85

RESPONSIBLE AGENCY: S

**E
v
a
l**

**D
e
g**

**Date Notice
of Violation**

Date
Conference

AREA AND CLASS OF VIOLATION (INCLUDES DISTRICT LEVEL ENFORCEMENT ACTIONS)

Date Refer. to
Austin for Enf.

Date High Prior.
Determination

Date of Estim.
Compliance

Date Response
is Due for NOV

Date of Actual Compliance

Resolv/Unre
Compliant

G W				-	-																																				
56 57	58	59	61			68	70					77	79				86	88					95	97					104	106					113	115					122
C L				-	-																																				
56 57	58	59	61			68	70					77	79				86	88					95	97					104	106					113	115				122	
P T				-	-																																				
56 57	58	59	61			68	70					77	79				86	88					95	97					104	106					113	115				122	
M A				-	-																																				
56 57	58	59	61			68	70					77	79				86	88					95	97					104	106					113	115				122	
F I				-	-																																				
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S C				-	-																																				
56 57	58	59	61			68	70					77	79				86	88					95	97					104	106					113	115				122	
O T	X	I	04-19-85																																						
56 57	58	59	61			68	70					77	79				86	88					95	97					104	106					113	115				122	

COMMENTS: (COUNTY)

1 3 5 7 9 12 14 16 18 21 23 25 27 30 32 34 36 39 41 43 45 48 50 52 54 56

59 61 63 66 68 70 72 75 77 79 81 84 86 88 90 93 95 97 99 102 104 106

•	0	2
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RECEIVED

WORK NO: 9091

NO. OF SAMPLES: 0

SUBMITTED BY: Susan Rigley

JUL 22 1985

A. I. Messenger

Facility: CHARDONAL CORP. (MAGNA CORP) 30594
EPA ID: TXD000807875

WELL SYSTEM	1. Are wells in place? If not, why not?	Yes Jan 22, 1985 File Sample
	2. Are the wells adequate? If not, why not?	Yes ^{Installed} in connection with the closure plan
	3. Anticipated dates of new well construction.	NONE - note above.
	4. Date of directives to company to modify existing (265) system (including inadequate waiver directives)	N/A
	5. Dates of directives to company to modify 254 system.	N/A
	6. Is there a plan in house which needs to be reviewed (265, 264)? Date granted, if applicable.	Closure plan approved - 11/29/84
COMPLIANCE	7. Groundwater compliance actions taken to date (e.g., Notice of Violation, 3043 order, 3013 order, referral to Department of Justice or Attorney General (if state). Indicate the date of any such action.	NONE
	8. Has facility ever taken waste from Superfund site? If so, when?	No
	9. What actions are planned during the remainder of Fiscal year 1985?	NONE
INSPECTION	10. Date of anticipated or actual Part B receipt (indicate date first received and date completed)	N/A
	11. Date of last EPA inspection	NONE
	12. Date of last state inspection	2/17/84
	13. Approximate date of scheduled EPA inspection	NONE
CLOSURE	14. Date company plans to close	Completed by 05-30-85 (within 180 days of approval)
	15. Date hazardous waste ceased to be accepted	Approximately Dec 1981 (Inactive site)
	16. Date of approval of closure plan	Approved 11-29-84
	17. Date of Certification of Closure	Unknown

FY 1986 HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT LOG

1. EPA ID: XXXXXXXXXX

2. HANDLER NAME: _____

3. ADDRESS: _____

OK
K6 1-7-86

Contact Person: CEJ

5. DATE OF INITIAL EVALUATION WHICH IS THE BASIS FOR THIS REPORT: 85/04/09

5a. AGENCY RESPONSIBLE FOR EVALUATION:
Put code in box 5
Choose one

E = EPA
S = State
J = Joint
C = Contractor/EPA
O = Other
B = Contractor/State
X = Oversight

6. TYPE OF EVALUATION COVERED BY THIS REPORT:
Put code in box
Choose one

1 = Evaluation Inspection
2 = Case Development
3 = Record Review
4 = Ground Water Monitoring Evaluation
5 = Follow Up

6 = Other - Citizen Complaint
7 = Other - Part B Call-In
8 = Other - Withdrawal Candidate
9 = Other - Closed Facility
10 = Other - General

7. DATE OF EVALUATION COVERED BY THIS REPORT (enter only if different from 5): 85/04/09

8. AREA AND CLASS OF VIOLATION (Enter 'X' in appropriate box if violations found. Enter '0' if no violations found in Area evaluated. Enter 'Z' to indicate area of interest.)

Class of Violation	Area of Violation						
	GWM	CL/PC	Fin.Res	Pt. B	Compl.Sch	Manifest	Other
I		<u>0</u>					<u>0</u>
II		<u>0</u>					<u>0</u>

9. ENFORCEMENT ACTIONS:

Class	Area of Violation	Type (use code)	Date Action Taken	Compliance Dates		Penalty		Resp.Ag. (use code)	Resp. Pers (3 initials)
				Scheduled	Actual	Assessed	Collected		

Codes for Types of Enforcement Actions:
03 = Warning Letter
05 = Administrative Order
10 = Informal
(See instructions for additional codes)

11 = Filed Civil Action
12 = Filed Criminal Action
15 = §3008(h) Final Order
14 = Referral to EPA

Codes for Resp. Agency: E = EPA
S = State
X = EPA oversight

9a. STATUS OF HANDLER WITH COMPLIANCE SCHEDULE OF ORDERS: Meeting compliance schedule Yes ___ No ___ Status Date ___/___/___

10. Comments: FACILITY PURCHASED BY CHARDONAL CORP

(Limit each comment to 80 characters. Up to 99 comments are possible.)

NOV 06 1985

TEXAS WATER COMMISSION

HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT LOG



CJ

KZ

☐ NEW ☒ UPDATE

TDWR ID: 36574

1. EPA ID: 2222222222

INDUSTRY: MAGNA

DISTRICT: 27

2. INDUSTRY NAME: Magna Corporation

PHONE: 713-791-6389

3. SITE ADDRESS: 9434 Holmes Rd, Houston

ZIP:

COUNTY: Harris

7. DATE SUBT: 11-15-86

FACILITY: (G, F, T) 123

4. C, F, S: 42

6. TYPE OF EVALUATION: CL

CEI - EV, EC, EP, EB

FOLLOW UP - FO

CME - GW

SAMPLE - SA

OTHER - CL, SW, OT, FE

CASE DEVELOPMENT - CD

5. DATE OF INITIAL EVALUATION: 04-09-85

RESPONSIBLE AGENCY: S

E v a l		D e g		Date Notice of Violation	Date Conference	AREA AND CLASS OF VIOLATION (INCLUDES DISTRICT LEVEL ENFORCEMENT ACTIONS)										Resolve/Unres/ Compliant
						Date Refer. to Austin for Enf.	Date High Prior. Determination	Date Response is Due for NOV	Date of Estim. Compliance	Date of Actual Compliance						
GW																
CL	X															
PT																
MA																
FI																
SC																
OT	X															

COMMENTS: (COUNTY)

*01 101

*02 FACILITY PURCHASED BY CHARDONAL CORP

WORK NO: 2091

NO. OF SAMPLES: 10

SUBMITTED BY: Clarence E. Johnson

NOV 06 1985

TEXAS WATER COMMISSION

HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT LOG



CJ

KZ

<input type="checkbox"/> NEW <input checked="" type="checkbox"/> UPDATE	
TDWR ID: <u>30594</u> 2 6	1. EPA ID: <u>TXD000807879</u> 8 19
2. INDUSTRY NAME: <u>Magna Corporation</u>	INDUSTRY: <u>MAGNA</u> 21 28
3. SITE ADDRESS: <u>9434 Holmes Rd, Houston</u>	DISTRICT: <u>07</u> 30 31
7. DATE SUBT: <u>11-15-86</u> 33 34 35 36 (CENTRAL OFFICE USE ONLY)	FACILITY: (G, F, T) <u>123</u> (S, L) 38 40 (1, 2, 3)
5. DATE OF INITIAL EVALUATION: <u>04-09-85</u> 47 54	4. C, F, S: <input type="checkbox"/> 42
6. TYPE OF EVALUATION: <u>CL</u> 44 45 CEI - EV, EC, EP, EB CME - GW OTHER - CL, SW, OT, FE	
FOLLOW UP - FO SAMPLE - SA CASE DEVELOPMENT - CD	
RESPONSIBLE AGENCY: S	

E v a l	D e g	Date Notice of Violation	Date Conference	AREA AND CLASS OF VIOLATION (INCLUDES DISTRICT LEVEL ENFORCEMENT ACTIONS)	Date Refer. to Austin for Enf.	Date High Prior. Determination	Date Response is Due for NOV	Date of Estim. Compliance	Date of Actual Compliance	Resolv/Unres/ Compliant
GW	<input type="checkbox"/>									
CL	<input checked="" type="checkbox"/>									
PT	<input type="checkbox"/>									
MA	<input type="checkbox"/>									
FI	<input type="checkbox"/>									
SC	<input type="checkbox"/>									
OT	<input checked="" type="checkbox"/>									

COMMENTS: (COUNTY)

*01 101

*02 FACILITY PURCHASED BY CHARDONAL CORP

WORK NO: 9091 NO. OF SAMPLES: 10SUBMITTED BY: Clarence E Johnson

NOV 06 1985



INDUSTRY NAME: Magna Corporation PHONE: (713) 791-6345
SITE ADDRESS: 2210 Holmes Rd. ZIP: 77033 COUNTY: Darris

INDUSTRY NAME

M	A	G	N	A			
---	---	---	---	---	--	--	--

 21 28 DISTRICT

0	7
---	---

 30 31 DATE REPORT SUBMITTED

0	3	8	4
---	---	---	---

 33 36

TYPE OF FACILITY

G F T		
6	F	
38	40	

 MAJOR/NONMAJOR

N
42

 TYPE OF EVALUATION

S	P
44	45

DATE OF EVALUATION OR ENFORCEMENT REFERRAL 02-14-84

Types Of Violations	Deg.	Date Of Notif. Letter	Date Of Inf. Enf. Act.	Date Response Due	Date Of Actual Compliance	Resolved/Unresolved
GWM						
INC						
CLO						
FIN						
PTB						
MAN						
SCH						
OTH						

1 3 5 7 9 11 13 15 17 19 21 23 25 27 29 31 33 35 37 39 41 43

45 49 53 57 61 65 69 73 77 81 85 89

* 02 ~~Enforcement~~ action ~~in~~ feasibility request. Referred to EPA
for admin. fines; Sample collected by D-7

~~NUMBER OF SAMPLES:~~

WORK NO.: 9091

SUBMITTED BY: T. K. ...

CC D-7



SP K

NEW

HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT

INDUSTRY NAME:

Magna Corporation

PHONE:

713 791-6343

SITE ADDRESS:

2710 Holmes Rd.

ZIP: 77033

COUNTY:

Dorris

DWR PERMIT OR REGIS. NO.

30594

EPA ID NO.

TXD000807875

INDUSTRY NAME

MAGNA

DISTRICT

07

DATE REPORT SUBMITTED

MOFFY

0384

TYPE OF FACILITY

G F T
L F

MAJOR/NONMAJOR

N

TYPE OF EVALUATION

SP

DATE OF EVALUATION OR ENFORCEMENT REFERRAL

02-14-84

Types Of
Violations

Deg.

Date Of
Notif. LetterDate Of
Inf. Enf. Act.Date
Response DueDate Of
Actual ComplianceResolved/
Unresolved

GWM

56 58 59

61 68

70 77

106 113

115 122

124

INC

56 58 59

61 68

70 77

106 113

115 122

124

CLO

56 58 59

61 68

70 77

106 113

115 122

124

FIN

56 58 59

61 68

70 77

106 113

115 122

124

PTB

56 58 59

61 68

70 77

106 113

115 122

124

MAN

56 58 59

61 68

70 77

106 113

115 122

124

SCH

56 58 59

61 68

70 77

106 113

115 122

124

OTH

56 58 59

61 68

70 77

106 113

115 122

124

COMMENTS:

* 01

1 3 5 9 11 13 15 19 21 23 25 29 31 33 35 39 41 43

45 49 51 53 55 59 61 63 65 69 71 73 75 79 81 83 85 89 91 93

* 02 ~~Enforcement action~~ feasibility request. Referred to EPA

for admin. fines; Sample collected by D-7

NUMBER OF SAMPLES: 1

WORK NO.: 9091

SUBMITTED BY:

TKennedy for Spill Site

D-7

14
MAGNA CORPORATION

7505 Fannin • Box 33387 • Houston, Texas 77033 • (713) 795-4270 • Telex: 76-2330 • Cable: Magna



FEDERAL EXPRESS #193322883

Mr. Russ Kimble
Texas Department of Water Resources
P.O. Box 13087
Capitol Station
Austin, Texas 78711

Re: Supplemental and Updated Financial Documents for Magna Corporation/
Baker Oil Treating

Dear Russ:

Attached you will find executed copies of the following documents:

- A. Two certificates of Liability insurance,
- B. An RCRA Standby Trust fund, and
- C. A financial guarantee bond.

The certificates of insurance are for "sudden and accidental occurrences", and for "non-sudden accidental occurrences" respectively.

Where TDWR and permit numbers are required for facilities covered by these documents, these facilities are listed in Schedule A Table 1 and 2 of the Trust fund and/or the financial guarantee.

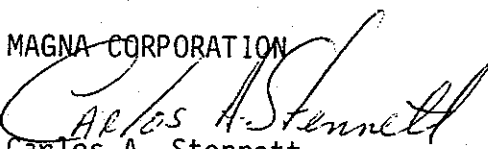
This information along with the documents given you on last week, we hope will satisfy all the necessary documentation on this matter.

Please review the documents for sufficiency and if there are no problems, please advise Mr. George Wetzel of the TDWR staff of your finding.

Your assistance is appreciated.

Sincerely,

MAGNA CORPORATION


Carlos A. Stennett

Environmental Regulations Specialist

CAS/met

cc: G.C. McDonald

R.E. Mertz

T. Curtis

3-574

CERTIFICATE OF LIABILITY INSURANCE

Hazardous waste facility certificate of liability insurance as required in 40 CFR S264.151 (j), 40 CFR S264.147 or 265.147, and 47 Fed. Reg. Page 16558, Friday, April 16, 1982.

EPA Identification . Number:	See attached
TDWR Registration and	list
Permit Numbers:	See attached
	list

1. Aetna Casualty & Surety, (the "Insurer"), of 151 Farmington Avenue, Hartford, Connecticut hereby certifies that it has issued liability insurance covering bodily injury and property damage to Magna Corporation, A Division of Baker International Corporation (the "Insured"), of 7505 Fannin, Suite 600, Houston, Texas in connection with the insured's obligation to demonstrate financial responsibility under 40 CFR 264.147 or 265.147. The coverage applies at all locations, see attached list, for "sudden and accidental occurrences". The limits of liability are \$1,000,000. Per Occurrence Bodily Injury, \$2,000,000. Aggregate Bodily Injury, \$1,000,000. Per Occurrence Property Damage, \$2,000,000. Aggregate Property Damage, exclusive of legal defense costs. The coverage is provided under policy number 61AL57829SRA, issued on 10/1/84. The effective date of said policy is 10/1/84.

2. The Insurer further certifies the following with respect to the insurance described in Paragraph 1:

(a) Bankruptcy or insolvency of the insured shall not relieve the Insurer of its obligations under the policy.


(b) The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in 40 CFR 264.147(f) or 265.147(f).

(c) Whenever requested by the Executive Director of the Texas Department of Water Resources (TDWR), the Insurer agrees to furnish to the Executive Director a signed duplicate original of the policy and all endorsements.

(d) Cancellation of the insurance, whether by the Insurer or the insured, will be effective only upon written notice and only after the expiration of sixty (60) days after a copy of such written notice is received by the Executive Director of the TDWR.

(e) Any other termination of the insurance will be effective only upon written notice and only after the expiration of thirty (30) days after a copy of such written notice is received by the Executive Director of the TDWR.

I hereby certify that the wording of this instrument is identical to the wording specified in 40 CFR 264.151(j) as it pertains to the Hazardous Waste Management Program of the State of Texas administered by the Texas Department of Water Resources as such regulation was constituted on the date first above written, and that the Insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.


JON DOUGLAS BURNHAM

SENIOR VICE PRESIDENT, AUTHORIZED REPRESENTATIVE OF

AETNA CASUALTY & SURETY
151 Farmington Avenue
Hartford, Connecticut

TABLE 1

EPA STATUS	FACILITY NAME	REGION	RCRA ID	STATE ID	CLOSURE COST ESTIMATE
GSD	Magna Corp. - Dayton (TX)	VI	TXD 093571768	SW 32048	\$500,000.00
GSD	Magna Corp. - Odessa (TX)	VI	TXD 047872890	SW 32536	\$200,000.00
G	Magna Corp. - Kilgore (TX)	VI	TXD 026708438	SW 32538	\$100,000.00
**GSD	Magna Corp. - Holmes Road (Surface Impoundment in closure)	VI	TXD 000807875	SW 30594	\$400,000.00
**to be fully closed by 12/31/84					
					\$1,200,000.00

"The above referenced closure cost estimates are to be adjusted annually, taking into account, inflation factor and depreciation allowances."

TABLE 2

WAREHOUSE FACILITIES -- BAKER OIL TREATING/MAGNA CORPORATION

Baker Oil Treating
Texas Gulf District & Warehouse
P.O. Box 4443
Victoria, Texas 77903

Baker Oil Treating
608 S.E. Country Road
Crane, Texas 79731

Baker Oil Treating
Ozona District Office & Warehouse
800 Avenue G
Ozona, Texas 76943

Baker Oil Treating
Big Spring District
3 Miles North on Highway 350
Big Spring, Texas

CERTIFICATE OF LIABILITY INSURANCE

Hazardous waste facility certificate of liability insurance as required in 40 CFR S264.151 (j), 40 CFR S264.147 or 265.147, and 47 Fed. Reg. Page 16558, Friday, April 16, 1982.

EPA Identification Number: See attached list
TDWR Registration and Permit Numbers: See attached list

1. AIG, (National Union Fire Insurance Company of Pittsburgh, Pennsylvania), (the "Insurer"), of 70 Pine, New York, New York hereby certifies that it has issued liability insurance covering bodily injury and property damage to Magna Corporation, A Division of Baker International Corporation (the "Insured"), of 7505 Fannin, Suite 600, Houston, Texas in connection with the insured's obligation to demonstrate financial responsibility under 40 CFR 264.147 or 265.147. The coverage applies at locations-see attached list, for "nonsudden accidental occurrences". The limits of liability are \$20,000,000. Per Occurrence \$20,000,000. Aggregate, exclusive of legal defense costs. The coverage is provided under policy number PLL1177224 issued on 10/1/84. The effective date of said policy is 10/1/84.

2. The Insurer further certifies the following with respect to the insurance described in Paragraph 1:

(a) Bankruptcy or insolvency of the insured shall not relieve the Insurer of its obligations under the policy.

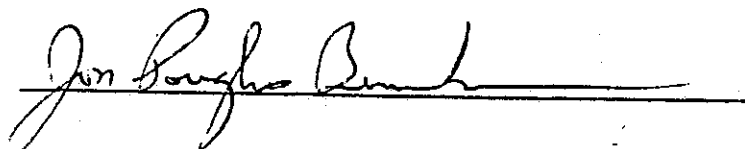
(b) The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in 40 CFR 264.147(f) or 265.147(f).

(c) Whenever requested by the Executive Director of the Texas Department of Water Resources (TDWR), the Insurer agrees to furnish to the Executive Director a signed duplicate original of the policy and all endorsements.

(d) Cancellation of the insurance, whether by the Insurer or the insured, will be effective only upon written notice and only after the expiration of sixty (60) days after a copy of such written notice is received by the Executive Director of the TDWR.

(e) Any other termination of the insurance will be effective only upon written notice and only after the expiration of thirty (30) days after a copy of such written notice is received by the Executive Director of the TDWR.

I hereby certify that the wording of this instrument is identical to the wording specified in 40 CFR 264.151(j) as it pertains to the Hazardous Waste Management Program of the State of Texas administered by the Texas Department of Water Resources as such regulation was constituted on the date first above written, and that the Insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

A handwritten signature in cursive script, reading "Jon Douglas Burnham", is written over a horizontal line.

JON DOUGLAS BURNHAM

SENIOR VICE PRESIDENT, AUTHORIZED REPRESENTATIVE OF

AIG (National Union Fire Insurance Company of Pittsburgh,
Pennsylvania

70 Pine
New York, New York

TABLE 1

EPA STATUS	FACILITY NAME	REGION	RCRA ID	STATE ID	CLOSURE COST ESTIMATE
------------	---------------	--------	---------	----------	-----------------------

GSD	Magna Corp. - Dayton (TX)	VI	TXD 093571768	SW 32048	\$500,000.00
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GSD	Magna Corp. - Odessa (TX)	VI	TXD 047872890	SW 32536	\$200,000.00
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G	Magna Corp. - Kilgore (TX)	VI	TXD 026708438	SW 32538	\$100,000.00
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**GSD	Magna Corp. - Holmes Road (Surface Impoundment in closure)	VI	TXD 000807875	SW 30594	\$400,000.00
-------	--	----	---------------	----------	--------------

**to be fully closed by
12/31/84

\$1,200,000.00

"The above referenced closure cost estimates are to be adjusted annually, taking into account, inflation factor and depreciation allowances."

TABLE 2

WAREHOUSE FACILITIES -- BAKER OIL TREATING/MAGNA CORPORATION

Baker Oil Treating
Texas Gulf District & Warehouse
P.O. Box 4443
Victoria, Texas 77903

Baker Oil Treating
608 S.E. Country Road
Crane, Texas 79731

Baker Oil Treating
Ozona District Office & Warehouse
800 Avenue G
Ozona, Texas 76943

Baker Oil Treating
Big Spring District
3 Miles North on Highway 350
Big Spring, Texas

30594

RCRA STANDBY TRUST FUND AGREEMENT

40CFR 264.151 (a)

TRUST AGREEMENT, the "Agreement", entered into as of September 30, 1983, by and between MAGNA CORPORATION, a California Company, the "GRANTOR" and FIRST CITY NATIONAL BANK OF HOUSTON, a National Banking Corporation with trust power, domicile, in Houston, Texas, the "TRUSTEE".

WHEREAS, the Texas Department of Water Resources "TDWR", an agency of the State of Texas, has established certain regulations applicable to the Grantor, requiring that an owner or operator of a hazardous waste management facility shall provide assurance that funds will be available when needed for closure and/or post-closure care of the facility.

WHEREAS, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facilities identified herein.

WHEREAS, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

NOW, THEREFORE, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

Section 2. Identification of Facilities and Cost Estimates. This Agreement pertains to the facilities and cost estimates identified on attached Schedule A (on Schedule A, for each facility list the EPA Identification Number, name address, and the current closure and/or post-closure cost estimates, or portions thereof, for which financial assurance is demonstrated by this Agreement).

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, to be known as the RCRA Standby Trust, and will remain unfunded except by the properties listed on Schedule B. The Grantor and the Trustee intend that no third party have access to the Fund except as provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement.

RCRA STANDBY FUND AGREEMENT

40 CFR 264.151 (a)

The fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by TDWR. Upon receipt by Trustee of notice in writing from Grantor or the appropriate Executive Director of the TDWR if the Grantor ceases to exist, that from and after the receipt of such notice and the receipt of monies collected to fund the trust, Trustee shall thereafter be subject to all of the management and investment duties, and be entitled to exercise all of the rights, powers and discretions of trustees of express trusts under the provisions of the Texas Trust Act as now in force or hereafter enacted.

Section 4. Payment for Closure and Post-Closure Care. The Trustee shall make payments from the Fund as the Executive Director of the TDWR shall direct, in writing to provide for the payment of the costs of closure and/or post-closure care of the facilities covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the TDWR Administrator from the Fund for closure and post-closure expenditures in such amounts as the TDWR shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the Executive Director of the TDWR specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee, shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

(i) Securities or other obligations of the Grantor, or any other owner or operator of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the Federal or State government;

RCRA STANDBY FUND AGREEMENT

40 CFR 264.151 (a)

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or State government; and

(iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion;

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other

RCRA STANDBY FUND AGREEMENT

40 CFR 264.151 (a)

securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish the Grantor and to the appropriate Executive Director of the TDWR a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Executive Director of the TDWR shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

RCRA STANDBY TRUST FUND AGREEMENT

40 CFR 264.151 (a)

Section 12. Trustee Compensation. Trustee shall be entitled to receive reasonable compensation for all services which it renders hereunder either as custodian or as Trustee in accordance with its fee schedule in existence at the time services are rendered except as the parties may amend through negotiation and joint agreement in writing.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor Trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the Executive Director of the TDWR, and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by Executive Director of the TDWR of the Regions in which the facilities are located, or their designees, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or TDWR hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or TDWR, except as provided for herein.

Section 15. Notice of Nonpayment. The Trustee shall notify the Grantor and the appropriate Executive Director of the TDWR, by certified mail within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

RCRA STANDBY TRUST FUND AGREEMENT

40 CFR 264.151 (a)

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the appropriate Executive Director of the TDWR, or by the Trustee and appropriate Executive Director if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16. This Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the Executive Director of the TDWR, or by the Trustee and the Executive Director of the TDWR, if the Grantor ceases to exist. Upon termination of the Trust, all remaining property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the Executive Director of the TDWR issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the State of Texas.

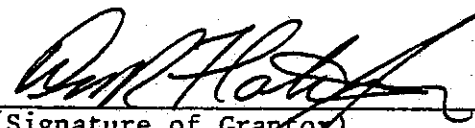
Section 20. Interpretation. As used in the Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretations or the legal efficacy of this Agreement.

Section 21. Merger. No change of name of First City National Bank of Houston, nor any merger, or consolidation of its corporate powers with another national or state bank or trust company, nor its reorganization or reincorporation in any other form, shall affect its appointment as trustee of this trust; but Trustee, under whatever name it may be known and under whatever charter it hereafter may exist, shall be and remain Trustee of this trust.

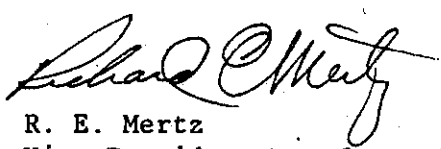
IN WITNESS WHEREOF the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of the Agreement is identical to the working specified in 40 CFR 264.151 (a) (1) as such regulations were constituted on the date first above written.

RCRA STANDBY TRUST FUND AGREEMENT

40 CFR 264.151 (a)


(Signature of Grantor)

Attest:


R. E. Mertz
Vice President-Manufacturing

(Name & Title)

William R. Flato, Jr.
Executive Vice President-
Finance and Planning

(Name & Title)

Attest:


Terry N. Parsons

Title: Trust Officer

Seal:


(Signature of Trustee)

Janet K. Casstevens
Assistant Vice President
and Trust Officer

CERTIFICATION OF ACKNOWLEDGEMENT
FOR RCRA TRUST FUND AGREEMENT
(FROM 40 CFR 264.151 (a), EMPHASIS ADDED)

STATE OF TEXAS

COUNTY OF HARRIS

On this November 12, 1984, before me personally came William R. Flato, Jr. to me known, who being by me duly sworn, did depose and say that he is Executive Vice President - Finance and Planning of Magna Corporation, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

Theresa Yalch
Signature of Notary Public

Theresa Yalch
Notary Public, State of Texas
My Commission Expires December 2, 1987
Bonded by Loret Agency, Lawyers Surety Corp.

STANDBY TRUST AGREEMENT

"SCHEDULE B"

LIST OF PROPERTY COMPRISING TRUST FUND

None at the time of trust establishment. Funding of this Standby Trust Agreement is contingent upon drafts against that primary, Financial Guarantee Bond, number 05-35-11 and issued by the American Home Assurance Company on October 1, 1984 in accordance with the terms of that Financial Guarantee Bond.

TABLE 1

EPA STATUS	FACILITY NAME	REGION	RCRA ID	STATE ID	CLOSURE COST ESTIMATE
------------	---------------	--------	---------	----------	-----------------------

GSD	Magna Corp. - Dayton (TX)	VI	TXD 093571768	SW 32048	\$500,000.00
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GSD	Magna Corp. - Odessa (TX)	VI	TXD 047872890	SW 32536	\$200,000.00
-----	---------------------------	----	---------------	----------	--------------

G	Magna Corp. - Kilgore (TX)	VI	TXD 026708438	SW 32538	\$100,000.00
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**GSD	Magna Corp. - Holmes Road (Surface Impoundment in closure)	VI	TXD 000807875	SW 30594	\$400,000.00
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**to be fully closed by
12/31/84

\$1,200,000.00

"The above referenced closure cost estimates are to be adjusted annually, taking into account, inflation factor and depreciation allowances."

TABLE 2

WAREHOUSE FACILITIES -- BAKER OIL TREATING/MAGNA CORPORATION

Baker Oil Treating
Texas Gulf District & Warehouse
P.O. Box 4443
Victoria, Texas 77903

Baker Oil Treating
608 S.E. Country Road
Crane, Texas 79731

Baker Oil Treating
Ozona District Office & Warehouse
800 Avenue G
Ozona, Texas 76943

Baker Oil Treating
Big Spring District
3 Miles North on Highway 350
Big Spring, Texas

40 CFR 264.151(b)

This Bond Replaces American Home
Original Financial Assurance Insurance Company Bond No. 04-82-34.
Document Filed in Safe of
TDWR - Fiscal Services Office Bond No. 05-35-11

FINANCIAL GUARANTEE BOND

EPA Identification Number: _____

TDWR Registration and _____

Permit Numbers _____

Date bond executed: November 12, 1984

Effective date: _____

Principal: (Legal name and business address of the owner or operator)

MAGNA CORPORATION, 7505 Fannin, Houston, Texas 77054

Type of organization: (insert "individual", or "joint venture", "partnership", or "corporation")

Corporation

State of Incorporation: California

Surety(ies): [Name(s) and business address(es)] AMERICAN HOME ASSURANCE COMPANY, 70 Pine Street, New York, N.Y. 10270

TDWR Registration and Permit Numbers, name, address, and closure and/or post closure amount(s) for each facility in the State of Texas guaranteed by this bond (indicate closure and post-closure amounts separately): See Attached Table I which by reference is made a part hereof

Total penal sum of bond: \$ 1,200,000.00

Surety's bond number: 05-35-11

Know All Persons By These Presents, That we, The Principal and Surety(ies) hereto are firmly bound to the Texas Department of Water Resources (hereinafter called "TDWR"), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas said Principal is required, under the Resource Conservation and Recovery Act, as amended (RCRA), to have a permit or interim status in order to own or operate each hazardous waste management facility identified above, and

Whereas said Principal is required to provide financial assurance for closure, or closure and post-closure care, as a condition of the permit or interim status, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, Therefore, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of final closure of each facility identified above, fund the standby trust fund in the amount(s) identified above for the facility,

Or, if the Principal shall fund the standby trust fund in such amount(s) within 15 days after an order to begin closure is issued by the TDWR Executive Director or a Texas State District Court or other court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance, as specified in Subpart H of 40 CFR Parts 264 or 265, as applicable, and obtain the TDWR Executive Director's written approval of such assurance, within 90 days after the date notice of cancellation is received by both the Principal and the TDWR Executive Director from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the TDWR Executive Director that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the facility(ies) into the standby trust fund as directed by the TDWR Executive Director.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the TDWR Executive Director, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the TDWR Executive Director, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the TDWR Executive Director.

[The following paragraph is an optional rider that may be included but is not required.]

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new closure and/or post closure amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the TDWR Executive Director.

In Witness Whereof, the Principal and Surety(ies) have executed this Financial Guarantee Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in 40 CFR 264.151(b) as it pertains to the Hazardous Waste Management Program of the State of Texas administered by the Texas Department of Water Resources as such regulations were constituted on the date this bond was executed.

PRINCIPAL

MAGNA CORPORATION

By: 

(Signature)

EXEC VP FINANCE & PLANNING

(Title)



(Signature)

VP - Manufacturing

(Title)

(Corporate Seal)

CORPORATE SURETY

AMERICAN HOME ASSURANCE COMPANY

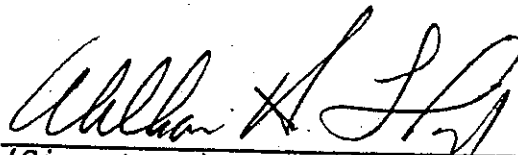
(Name of Surety)

70 Pine Street

(Address)

New York, N.Y. 10270

(City/State/Zip)



(Signature) William H. Lloyd

Attorney-in-Fact

(Title)

(Signature)

(Title)

(CORPORATE SEAL)

State of Incorporation: New York

Liability Limits: \$ 19,398,000.00

CORPORATE CO-SURETY

(Name of Co-Surety)

(Address)

(City/State/Zip)

(Signature)

(Title)

(Signature)

(Title)

(CORPORATE SEAL)

State of Incorporation:

Liability Limits: \$

(For every co-surety, provide signature(s), corporate seal,
and other information in the same manner as for surety above.)

Bond Premium: \$12,000.00-----

TABLE 1

EPA STATUS	FACILITY NAME	REGION	RCRA ID	STATE ID	CLOSURE COST ESTIMATE
------------	---------------	--------	---------	----------	-----------------------

GSD	Magna Corp. - Dayton (TX)	VI	TXD 093571768	SW 32048	\$500,000.00
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GSD	Magna Corp. - Odessa (TX)	VI	TXD 047872890	SW 32536	\$200,000.00
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G	Magna Corp. - Kilgore (TX)	VI	TXD 026708438	SW 32538	\$100,000.00
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**GSD	Magna Corp. - Holmes Road (Surface Impoundment in closure)	VI	TXD 000807875	SW 30594	\$400,000.00
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**to be fully closed by
12/31/84

\$1,200,000.00

"The above referenced closure cost estimates are to be adjusted annually, taking into account, inflation factor and depreciation allowances."

No. 31-B-04334

KNOW ALL MEN BY THESE PRESENTS:

That American Home Assurance Company, a New York corporation, and National Union Fire Insurance Company of Pittsburgh, Pa., a Pennsylvania corporation, does each hereby appoint

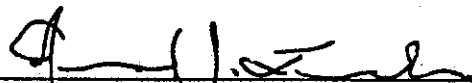
---Dan C. Jones, Ollie Menasco, Jon Douglas Burnham, Keith Marie Gallaway,
P. Michael Gilbert, Peter Robertson, Richard R. Waters, Richard C. Mayfield,
Randolph Lewis, William H. Lloyd: of Houston, Texas---

its true and lawful Attorney(s)-in-Fact, with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa. have each executed these presents

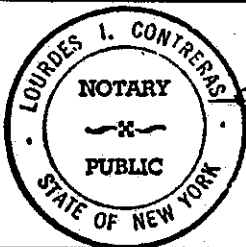


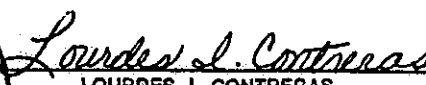
this 22 day of November, 1983.


Edward J. French, Vice President

STATE OF NEW YORK } ss.
COUNTY OF NEW YORK }

On this 22 day of November, 19 83,
before me came the above named officer of American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa., to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seals of said corporations thereto by authority of his office.




LOURDES I. CONTRERAS
Notary Public, State of New York
No. 41-4787487
Qualified in Queens County
Cert. filed in New York County
Commission Expires March 30, 1985

CERTIFICATE

Excerpts of Resolutions adopted by the Boards of Directors of American Home Assurance Company and National Union Fire Insurance Company of Pittsburgh, Pa. on May 18, 1976:

"RESOLVED, that the Chairman of the Board, the President, or any Vice President be, and hereby is, authorized to appoint Attorneys-in-Fact to represent and act for and on behalf of the Company to execute bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, and to attach thereto the corporate seal of the Company, in the transaction of its surety business;

"RESOLVED, that the signatures and attestations of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed with respect to any bond, undertaking, recognizance or other contract of indemnity or writing obligatory in the nature thereof;

"RESOLVED, that any such Attorney-in-Fact delivering a secretarial certification that the foregoing resolutions still be in effect may insert in such certification the date thereof, said date to be not later than the date of delivery thereof by such Attorney-in-Fact."

I, Marion E. Fajen, Secretary of American Home Assurance Company and of National Union Fire Insurance Company of Pittsburgh, Pa. do hereby certify that the foregoing excerpts of Resolutions adopted by the Boards of Directors of these corporations, and the Powers of Attorney issued pursuant thereto, are true and correct, and that both the Resolutions and the Powers of Attorney are in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of each corporation

this 1st day of October, 1984.




Marion E. Fajen, Secretary

TDWR ID: 30594 1. EPA ID: TXD0009807875 INDUSTRY: Chardono DISTRICT: 07
2. INDUSTRY NAME: Chardono Corporation PHONE: (713) 799-1800
3. SITE ADDRESS: 2434 Holmes Rd., Houston ZIP: 77051 COUNTY: Harris

APR 10 1985
ENFORCEMENT AND FIELD OPERATIONS

7. DATE SUBT: 05 -15- 85 <small>33 34 35 36</small> (CENTRAL OFFICE USE ONLY)	FACILITY: G2 <small>(G,F,T, 38 40</small> 1,2,3)	4. MAJOR/NONMAJOR: M <small>42</small>	6. TYPE OF EVALUATION: EV <small>44 45</small> (CEI-EV, EC; CME-GW; OTHER-CL, SW, OT; SAMPLE-SA; FOLLOW UP-FO; RECORD REVIEW-RC, RF; FOR HIGH PRIORITY PLACE H IN 1ST BLOCK)
5. DATE OF INITIAL EVALUATION: 03 - 27 - 85 <small>47 54</small>			RESPONSIBLE AGENCY: S

[illegible]

SUBMITTED BY:

Dusan Kigley

Hazardous Waste Compliance Monitoring and Enforcement Log

OK

1. EPA ID: <u>TXID10101810171817151</u> 2. HANDLER NAME: <u>MAGNA Corporation</u> 3. ADDRESS: <u>2434 Holmes Road</u>	4. HANDLER TYPE: <input type="checkbox"/> MAJOR <input checked="" type="checkbox"/> NON-MAJOR
---	---

5. DATE OF INITIAL EVALUATION WHICH IS THE BASIS FOR THIS REPORT: <u>Action</u> <u>A</u> <u>ASCD</u>	<u>04/02/17</u> M D Y	Seg # <u>1-2784</u>	<u>06-06-85</u>
6. TYPE OF EVALUATION COVERED BY THIS REPORT: <u>Action</u> <u>A</u> <u>ASCD</u>	<input checked="" type="checkbox"/> EVALUATION INSPECTION <input type="checkbox"/> NON-GWM SAMPLING INSPECTION		<input type="checkbox"/> RECORD REVIEW <input type="checkbox"/> FOLLOW-UP INSPECTION <input type="checkbox"/> GROUNDWATER MONITORING EVALUATION
RESPONSIBLE AGENCY: <u>S</u>			

7. DATE OF EVALUATION COVERED BY THIS REPORT (enter only if different from 5):	<u>04/09/15</u> M D Y	RR TYPE	Resp. Person					
8. AREA AND CLASS OF VIOLATION (enter number of violations by area and class): <u>A</u> <u>A, C, or D</u>	Class of Violation	Area of Violation						
		GWM	CI/PC	Fin. Res.	Pl. B	Comp. Sched.	Other	Manifest
	I						0	0
	II						0	0
	III						0	0

9. ENFORCEMENT ACTIONS FOR VIOLATIONS:														
Violation		Type of Action taken (circle one)					Date Action taken (mdy)	Compliance Dates (mdy)		Penalty		Responsible Agency Person		
Class	Area							Scheduled	Actual	Assessed	Collected			
		Informal	WL/NOV	AD	CivAc	CrimAc	____	____/____/____	____/____/____	____/____/____	____	____	____	____
		Informal	WL/NOV	AD	CivAc	CrimAc	____	____/____/____	____/____/____	____/____/____	____	____	____	____
		Informal	WL/NOV	AD	CivAc	CrimAc	____	____/____/____	____/____/____	____/____/____	____	____	____	____
		Informal	WL/NOV	AD	CivAc	CrimAc	____	____/____/____	____/____/____	____/____/____	____	____	____	____
		Informal	WL/NOV	AD	CivAc	CrimAc	____	____/____/____	____/____/____	____/____/____	____	____	____	____
		Informal	WL/NOV	AD	CivAc	CrimAc	____	____/____/____	____/____/____	____/____/____	____	____	____	____
		Informal	WL/NOV	AD	CivAc	CrimAc	____	____/____/____	____/____/____	____/____/____	____	____	____	____

10. COMMENTS: Action Seg #



GCF / NEW

X

HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT

INDUSTRY NAME: Magna Corporation PHONE: 713, 791-6389

SITE ADDRESS: 2434 Holmes Road Houston ZIP: 77033 COUNTY: Harris

TDWR PERMIT OR REGIS. NO. 30594

EPA ID NO. TXDC0008078715

INDUSTRY NAME MAGNA

DISTRICT 07

DATE REPORT SUBMITTED 0984

TYPE OF FACILITY GFT

MAJOR/NONMAJOR N

TYPE OF EVALUATION EV

RECEIVED

DATE OF EVALUATION OR ENFORCEMENT REFERRAL 02-17-84

SEP 24 '84

ENFORCEMENT AND FIELD OPERATIONS

Types Of Violations	Deg.	Date Of Notif. Letter	Date Of Inf. Enf. Act.	Date Response Due	Date Of Actual Compliance	Resolved/ Unresolved
GWM	I		01-10-83			U
INC						
CLO	I		01-10-83			U
FIN	I					U
PTB						
MAN						
SCH						
OTH						

COMMENTS:

* 01

1 3 5 9 11 13 15 19 21 23 25 29 31 33 35 39 41 43

45 49 51 53 55 59 61 63 65 69 71 73 75 79 81 83 85 89 91 93

45 49 51 53 55 59 61 63 65 69 71 73 75 79 81 83 85 89 91 93

Company has started groundwater monitoring. Closure plan approved, 8/29/84.

WORK NO.: 1091

SUBMITTED BY: Chavene
E Johnson

OK
K.O.

4. HANDLER TYPE:

☐ MAJUN
☒ MIN-MAJUN

WUN-MAJUN

06.06.81

RESPONSIBLE AGENCY :
S

Resp. Person

Manifest	
----------	--

[illegible]

10 COMMENTS: Action A. See # - HX SITE PROSPECT PLAN APPROVED 8/29/84

NEW

C. J.

INDUSTRY NAME: Chemtanal Corp PHONE: 703-799-1800
SITE ADDRESS: 2434 Holmes Road ZIP: 77051 COUNTY: Harris

TDWR PERMIT OR REGIS. NO.

3	C	5	7	4
2				6

 EPA ID NO.

T	X	P	C	C	C	C	7	7	7	S
8										19

INDUSTRY NAME

C	H	A	R	P					
---	---	---	---	---	--	--	--	--	--

 DISTRICT

0	7
---	---

 DATE REPORT SUBMITTED

0	9	0	4
---	---	---	---

TYPE OF FACILITY

G F T		
GA		
38	40	

 MAJOR/ NON MAJOR

M
42

 TYPE OF EVALUATION

EV
44 45

 RECEIVED

DATE OF EVALUATION OR ENFORCEMENT REFERRAL 02-17-84

SEP 24 '84

**ENFORCEMENT AND
FIELD OPERATIONS**

Types Of Violations	Deg.	Date Of Notif. Letter	Date Of Inf. Enf. Act.	Date Response Due	Date Of Actual Compliance	Resolved/ Unresolved
GWM						
INC						
CLO						
FIN						
PTB						
MAN						
SCH						
OTH	3	09-13-84		10-05-84		

COMMENTS:

A number line from 1 to 93. Boxes are provided for each number. Some boxes contain numbers or symbols: 1 contains *, 3 contains 0, 5 contains 6, 7 contains 9, 8 contains 12, 11 contains 3, 13 contains 4. The rest are empty.

NUMBER OF SAMPLES: _____

WORK NO.: 7091

SUBMITTED BY: Chandana



CHARDONOL
CORPORATION

SR 30594

September 25, 1984

Texas Department of Water Resources
District 7
4301 Center Street
Deer Park, Texas 77536

Attn: Mr. Merton J. Coloton, P.E.

Ref: ISW Registration No. 30594

RECEIVED

SEP 28 '84

ENFORCEMENT AND
FIELD OPERATIONS

Dear Mr. Coloton;

Regarding our telephone conversation of September 24, 1984, and your certified letter received on the same date, referencing Chardonol Corporation deficiencies, please note the following:

1. Chardonol Corporation had drums of hazardous waste that were not dated as to when storage started, as required by Texas Administrative Code (TAC), Section 335.69 (a) (2).
 - a) The drums in question have been shipped and reported on the Self Reporting Form. With the program that we are now using, all drums are dated the same day stored and are shipped within the ninety (90) days required.
2. Chardonol Corporation does not maintain an adequate Closure Plan for all facilities as required by TAC Sections 335.117 (3); 335.211 (a); and 335.103 (a).
 - a) Chardonol Corporation has prepared a Closure Plan for it's Holmes Road plant and a copy of the Closure Plan is enclosed with this letter.



CHARDONOL
CORPORATION

Roosevelt Smith
Safety and Waste Treatment Manager

2434 Holmes Road • Houston, Texas 77051 • (713) 799-1800

2434 Holmes Road • Houston, Texas 77051 • (713) 799-1800



Mr. Merton J. Coloton, P.E.
Texas Department of Water Resources
Page 2

3. Chardonol Corporation has not provided financial assurance for closure, accidental liability, and non-sudden accidental liability as required by TAC Sections 335.232 and 335.233 (40 CFR 265).

a) Chardonol Corporation presently has non-sudden accidental liability as required by TAC Sections 335.232 and 335.233 (40 CFR 265), and an application for affidavit of exclusion from hazardous waste permitting requirement were filed with TDWR on May 15, 1984.

If more information is required, please contact me at 713-799-1800 X 196.

Sincerely,

CHARDONOL CORPORATION

Roosevelt Smith
Manager - Safety
Waste Treatment

c.c. Mr. Brian Dixon, TDWR, Austin
Mr. Clarence E. Johnson, TDWR, Deer Park
Mr. Milton Altenberg, Chardonol Corporation
Mr. Robert Finden, Chardonol Corporation

RS:ls

FACT SHEET

FACILITY NAME: Magna

LOCATION: Houston

EPA I.D. NUMBER: TXD000807875

A. FACILITY INFORMATION

Short description of facility: Landfill; mfg. misc chemical preparation.

Current status: Operating Closing X Post-Closure
Not Subject Waiver

B. GROUNDWATER VIOLATION DATA

Date of Groundwater Violation: (Violation on Dingell Sheets)

Description of Violation:

C. ENFORCEMENT ACTIONS

Informal Enforcement Action Taken: Yes (if Yes, describe below) No

Type of Informal Action: Date:
 Date:

Response Due Date: Actual Compliance Date:

Number days from inspection finding violation to
informal enforcement

Formal Enforcement Due by: (timely and appropriate criteria)

Formal Enforcement Action Taken: Yes (if Yes, describe below) No

Type of Formal Action: Date:

Responsible Agency: State EPA

Scheduled Compliance Date: Actual Compliance Date:

Number days from inspection finding violation to
formal enforcement

Returned to compliance without enforcement: Yes (if Yes, Date:)

D. History (October 1, 1984 - January 31, 1986)

Violation: No Class I GW, CL, FIN violations Date: 03-27-85 CEI

Description of Violation: _____

Informal Enforcement Action Taken: Yes ____ (If Yes, describe below) No ____

Type of Informal Action: _____ Date: _____
_____ Date: _____

Response Due Date: _____ Actual Compliance Date _____

Number days from inspection finding violation to informal enforcement ____

Formal Enforcement Due by: _____ (timely and appropriate criteria)

Formal Enforcement Action Taken: Yes ____ (If Yes, describe below) No ____

Type of Formal Action: _____ Date: _____

Responsible Agency: State _____ EPA _____

Scheduled Compliance Date: _____ Actual Compliance Date: _____

Number days from inspection finding violation to formal enforcement ____

Returned to compliance without enforcement: Yes ____ (if Yes, Date _____)

Violation: No violations Date: 04-09-85 Closure Inspection

Description of Violation: _____

Informal Enforcement Action Taken: Yes ____ (if Yes, describe below) No ____

Type of Informal Action _____ Date: _____

Response Due Date: _____ Actual Compliance Date: _____

Scheduled Compliance Date: _____ Actual Compliance Date: _____

Number days from inspection finding violation to informal enforcement ____

Formal Enforcement Due by: _____ (timely and appropriate criteria)

Formal Enforcement Action Taken: Yes ____ (if Yes, describe below) No ____

Type of Formal Action: _____ Date: _____

Responsible Agency: State _____ EPA _____

Scheduled Compliance Date: _____ Actual Compliance Date: _____

Number days from inspection finding violation to formal enforcement ____

Returned to compliance without enforcement: Yes ____ (if Yes, Date: _____)

E. Lois of Interim Status (LOIS)

Facility Certified: Groundwater: Yes _____ No X
Financial: Yes _____ No X Not Subject _____

Submitted Part B: Yes _____ No X

Submitted Closure Plan: Yes X No _____

EPA LOIS Inspection: Yes X (if Yes, Date: 04-29-86)
No _____

LOIS Violation Discovered: Yes _____ (If Yes, describe below:
_____))
No _____

Enforcement: Yes _____ (if Yes, check reason)

For Groundwater: _____

For Financial: _____

For Closure: _____

Operating In Violation: _____

Date Enforcement Taken by EPA: _____

Anticipated Enforcement to be taken: Yes _____ No _____